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IS THE BALLOT A MISTAKE?

R. W. Church. Oriel —
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BY

S. C. DENISON, ESQ.

INNER TEMPLE.

"We know well what secret voting is; and we know that it may be made a complete security against external influence in voting for Members of Parliament."

Westminster Review, vol. xiii. p. 25.

"All contrivances by Ballot we know experimentally to be vain and childish to prevent a discovery of inclinations. Where they may the best answer the purposes of concealment, they answer to produce suspicion, and this is a more mischievous cause of partiality."—*Burke's Reflections*, p. 370.

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AND AN AUTHENTIC

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3069

CONTENTS.

	Page
Introductory Remarks—Difficulty of handling the subject	1, 2
Method to be pursued—to state arguments for the Ballot, and examine them . . .	3
Statement of arguments for Ballot . . .	4—11
I. Positive—will secure independence, lessen expense, &c.	4— 9
II. Negative—will affect no just rights, &c. .	9
III. For immediate adoption—independence daily diminishing, &c.	10
Remarks previous to examination of foregoing .	11—15
Examination of arguments for Ballot:—	
I. Positive—based wholly on assumptions .	15—58
1. That the Ballot will ensure secrecy, attempted to be proved	16—17
(1.) By History—especially America—which proves the reverse	18—35
(2.) By every day facts—E. I. Company, Clubs—which prove the reverse . .	36—38
(3.) Metaphysically—Mr. Grote's—whence it seems that it cannot ensure secrecy, and must produce endless discord, &c. . . .	39—57
(4.) Physically—the construction of a box—*argumentum ab urnâ* . . .	57, 58
2. That secrecy will prevent: . .	59
(1.) Intimidation—which at best will only be removed a step . . .	60, 61
(2.) Bribery—which it has always increased—Athens—Rome . . .	62—71

G308

3. That the Ballot will elevate the moral condition of the community . . . . . 71—80
(1.) Of the lower classes—by increasing (pardonable!) falsehood . . . . . 71—77
(2.) Of the upper—by supplying (what is now wholly wanting!) motives to virtue—Prophecy of the Westminster Review . . . . 78—80
4. On some further arguments, as those:
(1.) From the theory of the Constitution—loyalty of Westminster Reviewer . . . 80—83
(2,) From the practice of the Constitution—Lord Nugent's Jurors . . . . 84—87
(3.) From the practice of Clubs—Mr. Grote's appeals—*ad misericordiam*—*ad verecundiam* . 87—90
II. NEGATIVE—mostly answered already—further considered by effects of Ballot . . . 91—99
1. On individuals—voters—candidates—Pecuniary and Intellectual Bribery . . . . 91—95
2. On the community . . . . 95—97
3. In tendency—at first favourable to rich, afterwards leading to low mob-rule . . . . 97—98
4. Impossibility of settling disputed elections . 98—99
III. As to increased demand for Ballot—no necessary argument for its adoption—how it came about . 99—101
Conclusion 102
Remarks on the Debate in the House of Commons, Feb. 15, 1838 103
Appendix:—
A. Working of the Ballot in America . . . 113
B. Working of the Ballot in France . . . 126
C. Lord Nugent's reasonings on the word Un-English 128
D. Arts used to raise a cry for the Ballot . 130
E. Authorities against the Ballot . . . 131
F. Mr. Lytton Bulwer's arguments from the Classics 133
G. Mr. Brougham's Speech against the Ballot . 135

IS THE BALLOT A MISTAKE?

THE imperfection of language as an instrument of thought has been regretted by all philosophers. History shows us that politicians have even greater reason to make the same complaint. For as good government is nothing more than the just application of right political principles, it is most important that those principles should be clearly understood and accurately stated. Now principles of this sort are from their very nature capable of being expressed only in general abstract terms; which terms must involve or at least lead to ideas of a very complex nature. And so it happens (as one might expect) that many persons mistake and misapply them; while many, who seem fully masters of them, yet act more from memory than judgment, and are right or wrong, merely as they chance to fall in with good or bad guides. "If any one should a little catechise the greatest part of the partisans of most of the sects in the world, he would not find, concerning those matters they are so zealous for, that they have any opinions of their own, much less would he have reason to think that they took them upon the examination of arguments and appearance of probability. They are resolved to stick

to a party, that education or interest has engaged them in; and there, like the common soldiers of an army, shew their courage and warmth as their leaders direct, without ever examining or so much as knowing the cause they contend for. Thus men become the professors of, and combatants for, those opinions they never were convinced of, nor proselytes to: nor ever had so much as floating in their minds."[1]

These remarks may be applied in all their force to the question of the Ballot. It is a question that involves great philosophical principles; and these principles involve very many and very complex ideas. It took its rise from a particular school of thinkers. It conveys to the mind very vague notions of its true character. The practical working of the system can scarcely be estimated. Yet it is eagerly demanded by many persons, whose amount of leisure and education would seem hardly sufficient to entitle their judgment to much consideration, did they not happen to coincide in opinion with some few men of acknowledged ability.

In order then to arrive at any true conclusions on this subject, we must at once set aside all the arguments which are daily urged in favour of this measure from the alleged demand that is made for it by particular parties in the state. Popular demand may render a measure inevitable; but it can have nothing whatever to do with an explanation of its true character and effects. They are quite distinct things, and ought to be studiously kept apart.

[1] Locke's Essay, ii. 295.

It is not easy to advance much that is new upon a subject that has been so often discussed: but as many of the arguments are only to be found in works that are not generally accessible, and no single work exhibits both sides of the question, it may not be wholly useless to collect together the different opinions that have hitherto been expressed, and extricating the question from the confusion of party strife, to lay it before the public in a clear tangible form.

The advocates of the Ballot will probably admit that the article in the 13th volume of the Westminster Review, entitled "the Ballot," with the different speeches of Mr. Grote and other Members of Parliament who agree with him, may fairly be taken as text books on the subject, so far as their view of the question is concerned. If therefore all the arguments that are to be drawn from those sources, be fully and fairly arrayed against all the objections that may be opposed to them, the public will have the necessary premisses from which it may form its own conclusions.

Let us see then what these arguments are. They seem to arrange themselves under the two classes of positive and negative; under which will be comprised all direct arguments in favour of the Ballot, prior to any objections to it: and when to these are added the answers to such objections, we shall have all the evidence on that side of the case.

THE POSITIVE ARGUMENTS ARE—

I. *It will secure the independence of the Voter.*

II. *It will diminish the expenses of the Candidate.*

III. *It will elevate the moral condition of the Upper as well as of the Lower Classes of the community.*

I. *It will secure the independence of the Voter.*

"The necessary effect of voting in secrecy is the ensuring an independent vote."[2] "When Cicero calls the Ballot—Tabella vindex tacitæ libertatis,[3] the upholder of silent liberty, he says nothing more of it than what is accurately and emphatically true."[4]

This independence is at present utterly extinguished: first—by Intimidation—owing to the immoral influence of property. There is a moral and there is

[2] Westminster Review, vol. 13, p. 27.

[3] Cic. de Leg. Agr. Orat. II^da^. §. 4. Mr. Grote seems to quote Cicero as an advocate for the Ballot, and Mr. Lytton Bulwer has not hesitated to do so! But Cicero's real opinion is to be found in his Dialogue de Legibus, where he says to his brother Quintus—'Ego in istâ sum sententiâ, quâ te fuisse semper scio, nihil ut fuerit in suffragiis voce melius'—'I hold the same opinion that I know you have always entertained, that *in voting nothing can be better than word of mouth*,' III. §. 33.: further on however §. 38, 39, for the sake of conciliation, he proposes a sort of half measure; for, on condition of laws de ambitu being made effectual, he *allows* the Ballot, as being a *supposed* guardian of liberty (*quasi* vindicem libertatis). But still *insists* that all who wished might have the liberty of voting openly: which provision would clearly make the whole thing nugatory, and bring it very nearly to the American system. See Appendix F.

[4] Mr. Grote's Speech of June 23, 1836.

an immoral influence of property; the immoral influence of property is seen in the arbitrary and tyrannical control exerted by landlords over their tenants—by masters over their servants—in short by employers generally, over the employed—and in the system of exclusive dealing. *Secondly—by Bribery;* i. e. the corruption of the voters by the wealth of the Candidate or of his friends, in whatever shape that corruption may be disguised.

The Ballot will put an end to both of these evils. "The specific agency of the Ballot is against Intimidation: but its effects will be important and powerful in checking Bribery. It will entirely suppress Bribery, according to the modes at present practised; it will greatly hamper and discourage Bribery, under any conceivable form or process. It will render the attempt to bribe voters even under the most favourable circumstances more uncertain, more costly, more difficult, more hazardous. When the suffrage becomes secret, you cannot buy an elector's vote individually and separately; for he cannot sell the certainty of his vote; he can only sell the probability of it: this is the best which he has to offer. He may certainly offer this contingency for sale, if any one will buy it: but what man in his senses will pay down the purchase money for a commodity, of which there is to be no assured or ostensible delivery?"[5]—" But the great object is to protect *honest* voters from Intimida-

[5] Mr. Grote, June 23. 1836.

tion."[6]—"If the Ballot is adopted, what man will commence the work of impotent intimidation with the certainty, not only of failure in his object, but of aggravated bitterness on the part of those whom he idly endeavours to overawe? It is not in nature that such things should be. When the process of Intimidation is forbidden to be consummated, it will no longer be begun—the trade will be at an end—a landlord will no more think of trying to coerce his tenant, than he now thinks of coercing any neighbouring gentleman, when the Ballot shall have rendered the vote of the one as independent as the vote of the other."—"That which enables the man, who holds the votes in dependence, to suborn the votes, is their knowing how the vote is to be given. Render it impossible for them to know how any vote is given and their power over it is gone. The power either of rewarding a prostitute vote, or punishing an honest one, is useless, whenever it has been made impossible to be known whether the prostitute or the honest vote has been given. Effect this impossibility, take away the power of knowing how the man who votes for a Member of Parliament has bestowed his vote, and see the consequences. You give effectual securities to the Public that the affairs of the Public will be managed for their interest, not sacrificed to the interest of their rulers: you take away at the same time one of the most terrible engines of moral de-

[6] Mr. Grote, June 23, 1836.

pravation, which ever was wielded for the pollution or degradation of any portion of mankind. Are not these important effects to be derived from so simple a cause; and is not the cause which produces such effects the more to be cherished and esteemed because of its simplicity?"[7]—"There are two (universally acknowledged) blemishes in our representative system—these are—expense of elections; and bribery in corrupt boroughs. * * * With regard to bribery, who would go to the expense of paying any man for a vote, when for aught he knew, it was given against himself; as money for votes rendered in secret can have no effect whatever to secure the vote for which it was given, the man would be mad who would throw it away in that manner."[8]

II. *It will diminish the expenses of the Candidate.*

"Let us next attend to the cost incurred at Elections, without regarding what it consists in; expenses of conveying distant voters, entertainments, or favours of other description, money, or money's worth; the Ballot would put an end to it all. Men will not incur expense for the attainment of an object, when it is clear that such expense can have no effect whatever in procuring the object. This is most indubitably the case with money spent on account of a vote given in such secrecy, that whether it is given for you or against you, you can never know; under such a system

[7] Westminster Review, vol. 13. p. 16. [8] Ibid. p. 18.

the practical consequences would be, that only those men would vote who could do so free of expense, or were willing to defray their own charges."[9]

III. *It will elevate the moral condition of the Upper as well as of the Lower Classes of the community.*

* * * "Nor would this be the only moral effect of secret voting: it would have others of the greatest extent and importance. Take away from the men of property the power of obtaining the suffrages of the people by improper means, and you may deem it certain that they will immediately apply themselves to the obtaining them by proper means. It is impossible not to be delighted with the idea of the consequences which would result from such a change. * * * It would supply to the rich a motive for the attainment of those qualities which fit men for the duties of legislation; of which motive they are at present nearly destitute; * * * and it would immediately become the interest of the rich to employ their endeavours to raise the intellects and morals of the people to the highest pitch. * * * What delightful consequences would ensue! we should then have a community through which wisdom and virtue would be universally diffused, and of which the different classes would be knit together by the ties of mutual benefaction.

[9] Westminster Review, vol. 13. p. 18.

In those circumstances the order and harmony of society would be perfect."[10]

THE NEGATIVE ARGUMENTS ARE—

I. *The Ballot will neither affect nor interfere with any just rights.*

II. *It will leave the right, moral influence of property exactly where it found it.*[11]

III. *It will be accompanied by no evils at all to be compared with the advantages that it must confer.*

"We reason thus:—If it be proved that anywhere an enormous amount of evil exists; that an agency may be applied which will remove, if not the whole, a great part of all this evil; and to this agency no hurtful consequences can be attached, which can be reputed an equivalent for one of the millions of evil, which it will remove, the argument for its application seems to be as complete as demonstration in moral subjects can be."[12]

IV. *If it brought no good at all—if it failed, the old system could be revived without the smallest injury having resulted from it.*[13]

ARGUMENTS FOR ITS IMMEDIATE ADOPTION.

I. *The Independence of the Elector is diminishing every day.*

"I see strong ground for anticipating that undue power over the liberty of the voter will be exercised

[10] Westminster Review, p. 39.

[11] Ibid. and Mr. Grote's Speeches, *passim*.

[12] Westminster Review, p. 15. [13] Mr. Grote, June 23, 1836.

henceforward more vigorously and audaciously than ever. * * * In an article in the Ed. Review, January, 1833, universally attributed to Lord Brougham, and written, I may add, in direct hostility to the Ballot, the extent of intimidation at elections is written in language which it is impossible to surpass. * * * Here are distinguished testimonies,[14] such as can neither be eluded nor denied respecting the actual state of the electoral world: be it remarked too that they demonstrate this important fact—that intimidation of voters has become greater and more notorious since the passing of the Reform Act. * * * The threats of expulsion of tenants, realised in the awful sentence—hæc mea sunt * * * veteres migrate coloni—the resolutions of exclusive dealing are more rife and more violent than ever."[15]

II. *There can be no good government until the Ballot is brought into operation.*

" We affirm, and upon grounds which seem impregnable—1. That voting may be rendered perfectly secret. 2. That secret voting is a perfect security for independent voting. 3. That without independent voting all hope of good government is vain. 4. That in England there cannot be inde-

[14] Lords Brougham and Melbourne. Mr. Grote had before quoted an extract from a speech of Lord Melbourne's, expressive of his disgust and abhorrence of the system of intimidation, that prevailed so generally at elections.

[15] Mr. Grote, March 7, 1837.

pendent voting without secret voting. If so, we have a pretty complete argument for the Ballot."[16]

The writer of these pages hopes and believes that he has given the arguments in favour of the Ballot as fairly and fully as any condensed statement of such matters can be.[17] The objections to them are so numerous, and so various, and often so complicated in their nature, that they must of course occupy a far greater space. Now, before entering upon these objections, it will be necessary to make a few *preliminary remarks upon the nature of the question itself.*

First :—It is most important to observe that the advocates of the Ballot have what to a common observer must seem by far the best cause. A mere unlearned by-stander would think it impossible to refuse them a verdict. For the commonest understanding can appreciate to the fullest extent and to the most minute fraction all the reasonings that can be adduced on that side, whereas it requires no trifling knowledge of history and human nature, and some

[16] Westminster Review, p. 30.

[17] Since the greater part of this pamphlet was written, the author has seen a discussion of the subject by Lord Nugent, which forcibly reminds him of the account given of some learned writer in the dark ages—' that he had said some things new and some things true; but the things that were new were not true, and the things that were true were not new.' Occasional notice will hereafter be taken of the former class of statements.

coolness of judgment, and freedom from prejudice, and patient thought, to collect and follow and duly estimate the several arguments that ought to be brought forward on the other side. Hence, no subject was ever less fitted for popular discussion.[18]

Secondly:—It affords great scope for hidden fallacies, appeals to the feelings, and popular declamation. The evils of Intimidation and Bribery are so great and so flagrant, and the practice of them so revolting to feeling, common indeed, to all men, but which Englishmen are apt to think peculiarly their own, that it is scarcely possible to keep the political question—which is in truth the sole point at issue—distinct from the moral one, upon which no issue at all is raised; that is to say, men are apt to forget that the real matter in dispute is —*whether the Ballot, without itself producing greater evils, will put an end to mischiefs on all hands acknowledged to exist;* and, unawares, to substitute instead of that matter, quite a different one—namely, whether these acknowledged evils should not be got rid of—without any reference whatever to the consequences of getting rid of them in this particular manner.[19] The one is a difficult

[18] See Burke's Works, vol. i. p. 5. 'It is an observation which I think Isocrates makes in one of his orations against the Sophists, that it is far more easy to maintain a wrong cause and to support paradoxical opinions to the satisfaction of a common auditory, than to establish a doubtful truth by solid and conclusive arguments.'

[19] See Burke's Works, vol. 2. p. 297:—"The laws of this country are for the most part constituted, and wisely so, for the

question of evidence, involving abstruse political calculations; the other is in reality no question at all, unless that further consideration be at the same time borne in mind. And yet it is this question alone—which (strictly speaking) is no question at all—that the majority of those who demand the Ballot either care to think about, or are capable of judging of. The former, the true one, is quite beyond their powers; and all their feelings incline them to regard it solely in one point of view.

Thirdly:—The arguments for the Ballot seem capable of being stated in a strictly scientific form; they have the air of geometrical accuracy; each deduction appears rigorously accurate; and the whole statement to be clear, complete and conclusive. This, in itself, has a charm about it, that fascinates the intellect, and almost compels acquiescence.[20] To many, even of the ablest minds, the spell is often irresistible.[21] It is painful to think

general ends of government rather than for the preservation of our *particular liberties.*"

[20] 'The Ptolemaic system was not demonstrably inconsistent with any phenomena known in the 16th century; and consequently the presumption for the new hypothesis did not arise from its exclusive coincidence with the facts, but from the simplicity and beauty which it possessed as a theory.'—D. Stewart's Phil. of the Human Mind, vol. ii. p. 446.

[21] Professor Sedgwick in his eloquent discourse on the studies of the University of Cambridge makes the following remark on the writings of Paley:—'Speaking for myself, I cannot describe in terms too strong the delight I once experienced in studying his moral philosophy; where truth after truth seemed to flash on the

that this dazzling beauty must wither and decay under the consumptive influence of historical truth.[22] Indeed, the form of the argument seems unexceptionable, solely because the substance of it is so incorrect. It is a curious instance of "the slovenliness of thinking which is often concealed beneath a peculiar ostentation of logical neatness." As soon as the premisses are cut down to their legitimate size, the gaps in the argument yawn so that its framer must be appalled. And the upholders of secret voting must glean in other fields than those of history, if they wish to replace the vast quantity of matter that they will have to yield up to the rightful claimants.

Fourthly:—Matters that have very little to do with the question have often had an undue promi-

mind with all the force of demonstration—on questions too, which in other hands seemed only involved in mystery and doubt. On this account, if there be a defective principle in his system, it ought the more boldly to be combated, lest the influence of his name, and the charm of his philosophic manner, lead us only the further from the truth.' p. 57.

[22] "The fact is that when men in treating of things which cannot be circumscribed by precise definitions, adopt this mode of reasoning, when once they begin to talk of power, happiness, misery, pain, pleasure, motives, objects of desire, as they talk of lines and numbers, there is no end to the absurdities and contradictions into which they fall. There is no proposition so monstrously untrue in morals or politics that we will not undertake to prove it by something which shall sound like a logical demonstration from admitted premisses."—See a masterly article on Utilitarian Logic and Politics, Ed. Review, March, 1829, p. 160; and comp. Warburton's Introd. to Julian, p. 14, foll.

nence assigned to them. For instance—it is said that the partizans of the Ballot increase in numbers, therefore this is a strong argument in its favour. Now, it is true that in *matters of fact*, numbers, quà numbers, carry with them great weight. There is certainly more ground for thinking that a particular event has taken place, if thirty men say it has, than if only ten say so. But in difficult *matters of speculation* (such as the Ballot) numbers, quà numbers, carry with them very much less weight. It must first be seen what are the elements of which those numbers are composed, and what *may* be the motives of their conduct. It is very possible that some demand the Ballot on what *they deem* to be the solid grounds of reason; but it is equally possible, and perhaps more probable that others join them merely from party spirit: others again solely from disgust at the evils of the present system. And the fair presumption is that the alleged increase is owing to the influence of some such medley of motives as this. If such be the case, the increase of numbers is no better argument for thinking them to be in the right, than if we were to conclude from seeing an angler catch a great many fish with a fly, that the fly must be a real one. It might be a real one: or it might be a good artificial one: or the fish might be hungry, and willing to rise at anything. But the fact of many fish being caught would not prove that it was a real one: indeed it would

scarcely afford any presumption that it was so, unless we knew that those fish were peculiarly wary, and would seldom take anything else. Therefore, as we are yet to learn that the people of this country are peculiarly wary, and hard to be misled, the increasing demand for the Ballot is no better evidence of the reality of its merits, than the success of the angler is of the reality of his fly.

Having thus guarded against some of the sophisms which lurk in every nook and corner of the question, we may now move forward with a bolder and freer step. The most satisfactory course will be to take the several arguments in the order in which they have been stated.

It is said then in the first place, that *the Ballot will secure the independence of the Voter: that it will do so by putting an end to Intimidation and Bribery: and that it will put an end to these two evils by ensuring the secrecy of the proceedings.* This is the whole substance of the argument upon this branch of the question. To make out this argument, it is essential to prove: first—that the Ballot will ensure secrecy: secondly—that secrecy will be a complete prevention of Intimidation and Bribery. And so, be it observed, the point of secrecy does in fact involve the whole question.

Now there are two ways in which these positions may be supported.[23] The one by arguments drawn from the abstract nature of the case: the other, by

[23] See Preface to Bishop Butler's Sermons, p. 4.

positive matters of fact; by every day occurrences, and historical precedents. In questions that are of a strictly practical character there can be little doubt that the latter is the most approved method of reasoning: for it has been said by one,[24] whose name must be reverenced by speculative reasoners, that "when a man deliberates concerning his conduct in any particular affair, and forms schemes in politics, trade, economy, or any business in life, he never ought to draw his arguments too fine or connect too long a chain of consequences together; something is sure to happen to disconcert his reasoning, and produce an event different from what he expected." Now, if this be so, there arises, at starting, a presumption against the arguments for the Ballot, when we find that they are, all of them, without exception, drawn from the former of the two classes. For it will be shewn, hereafter, that their historical instances are mere bubbles blown by some of the more playful of the party to catch the fancies of those persons whose genius is averse to abstract speculation. Their main strength lies in a confident appeal to certain assumed principles, which wear indeed the garb, and bear the outward semblance of philosophical maxims, but test them by historical truth, and they start up at once in their real shape of palpable fallacies.

To return. We will now proceed at once to examine the point of SECRECY, on which we have

[24] See Hume's Essays (on Commerce), vol. i. p. 250.

stated the whole question to rest; and this will necessarily be done at some length. Will the Ballot ensure secrecy? The Westminster Reviewer says,[25] "The last resource of these controvertists is to deny the possibility of secrecy. How do they make that out? They do not make it out at all. They make out nothing; nor try to do so. That is not their way; they assert; sometimes more nakedly, sometimes more covertly; but still, only assert." This, like many other lively sentences in the above article, contains some truth and much error. The opponents of the Ballot do not deny the abstract possibility of secrecy, but only the moral probability of it; they say that, as history shews that hitherto secrecy *has not been* ensured by the Ballot, it seems fair to presume that it *will not be* ensured by it hereafter; and that it would be ludicrous to assert the contrary without adducing some fresh evidence to rebut this manifest presumption. The Advocates of the Ballot pretend to have found such evidence; their constant reply is: Look at America!

Now it is curious to observe, both from the position which America occupies in the argument, and from the extreme tenderness with which so brittle a piece of evidence is handled, that the parties producing this historical proof consider it very doubtful whether they had not better have left it alone. The fact is, that it belongs of right to

[25] Vol. xiii. p. 30.

the other side! The proofs of this shall be produced at once.

First, then, let us hear their own statement of the case of America. "When certain persons affirm to us, that the experiment of the Ballot has been unsuccessful in the United States, our reply is, that we do not believe them. Because, when we weigh the evidence which is contained in their assertions, and the evidence in opposition to them, we find the latter to preponderate. In the first place, in regard to the assertions, we know not how far those who make them do themselves rely upon them. House of Commons morality does not imply the existence of many men who will keep back an assertion useful for their purpose, because they know little or nothing about the evidence on which it rests. In the next place, if we knew that they were sincere, we know not what sort of observers they are, but we know that few observers can be trusted * * * * We know well, what secret voting is; and we know that it may be rendered a complete security against external influence in voting for Members of Parliament. If the Americans did use it badly, that would be no argument against the thing itself. The Americans have little motive to the accurate use of it, because by the two circumstances of their situation, the general wealth of the people, and the great rarity of large fortunes, the means are wanting of placing more than an insignificant portion of them in de-

pendence. There would be no wonder then if the Americans were not very nice about the machinery of the Ballot, and cared but little whether it was so used as to work with much or with little accuracy. Their case and ours are, in this respect, diametrically opposite; they do not depend on the Ballot for independent voting; we cannot possibly obtain it by any other means. But, besides all this, we know upon better evidence than the assertions made in Parliament, that the Americans do esteem the Ballot.[26] It is evidence enough that they continue to use it. Why should they, unless they liked it? The Americans are not in our miserable condition; they cannot have institutions, under which they suffer, fastened upon them for ages in spite of their inclination. What then is the fact? So far from being diminished, the use of the Ballot has been continually extended in America: some of the States in which it originally was not employed, have upon revisions of their constitutions introduced

[26] The Article from which this is an extract, was published in July, 1830: and, therefore, previously to Lord Stanley's famous disclosure of the American system of voting, which was made in the Debate of 1835. But it is clear that no opinion of Lord Stanley's would have induced the Reviewer to modify this passage, because he thinks that the mere fact of the Ballot existing at all in America, is better evidence of its efficiency than any assertions made in the House of Commons. Does not this at once explain and illustrate the remark of the Author of the article above quoted on 'Utilitarian Logic and Politics'—that 'a fact irreconcileable with their theory furnishes in their opinion the strongest reason for adhering to the theory'!—p. 173.

it, and in not one, in which it has ever been used, has the thought been entertained of discontinuing it. Nothing can be more worthless, therefore, than the pretence that America affords experience against the benefit of secret voting."[27]

This is a long extract; but it could not be curtailed, for two reasons. One, lest it should seem that the Reply was not stated fairly: the other, that it is so useful for the rejoinder, that every word of it is precious.

Now, the first portion of this extract is devoted to proving, by assertion, by insinuation, by abstract reasoning, and strange to say, by appeals to their own ignorance, that those who differ from them about America are not entitled to credit. The next portion contains neither more nor less, than an ill-disguised admission, that the Ballot is little regarded in America as a means of ensuring secrecy;[28] and the admission is clenched and confirmed by two very solid, weighty, and satisfactory reasons why it should not be so regarded. Then, thirdly: we have a solemn statement of the grounds on which the Reviewer has formed his own judgment on the subject. And it must be confessed, that if he had unsphered the spirit of Bolingbroke to unfold what was the best mode of managing an intractable argument, he could have

[27] West. Rev. p. 26. Compare Appendix A.

[28] Mr. Ewart and Mr. Leader (Advocates of the Ballot) made similar admissions in the Debate of June 23, 1836.

learned no new precepts from that great master of logical subterfuge. The question is—whether the practice of America proves that the Ballot ensures secrecy. The Reviewer first puts forward some seeming arguments to puzzle and perplex his adversary; and then, adroitly pushing aside the real question, brings up evidence to prove—what? why, quite another point, namely, that the Americans *esteem* the Ballot!

But who ever denied it? who ever cared a straw whether they esteem it or no? The question is, *why* do they esteem it? And unless the Reviewer can show that *they esteem it, because it ensures secrecy*, the fact of their esteeming it has nothing whatever to do with the question. It is very possible, that they instituted the Ballot originally with a view to ensure secrecy. They found however (as the Reviewer himself says) that it little mattered in their country whether secrecy was ensured or not. They therefore preserved *the form* of vote by Ballot, simply because it was an established form: they guarded against the evils that a system of secrecy cannot fail to produce, by altogether disregarding any precautions to make that system effectual.[29]

[29] See the very able speech of Mr. C. Russell, 1835. 'If Bribery does not prevail in America, we must seek some other reason for it than secrecy: for practically no secrecy whatever prevails. Let any man be at the pains of reading the American newspapers during the period of a contested election. He will find them abounding in all the acrimony and bitterness of electioneering hostility, and in all the

But if the Reviewer's argument is worth anything at all, he must mean that the Americans esteem the Ballot, *because it ensures secrecy:* and as he is too practised a logician to object to seeing his own arguments stated syllogistically, let us exhibit them in that form. The argument will be this:

All persons who esteem the Ballot, can only esteem it because it ensures secrecy;

The Americans esteem the Ballot:

Therefore in America the Ballot ensures secrecy.

But (as I have before admitted) in America, the Ballot does not ensure secrecy:

Therefore in America the Ballot is not esteemed.

Who will suppose from the above specimen of reasoning, that the Reviewer is regarded by his party as a second Alexander Hales, who acquired the formidable title of "the Irrefragable Doctor."

But perhaps he will be enabled to see the nature of his own argument more plainly, if we get him away from America, and hold it up to his view under the clearer sky of Attica. Now suppose that one of the Spartan magistrates, finding on his return home after a year's tour in Attica, that some of his countrymen, suddenly stricken with a love of foreign customs, wished to adopt the Ballot, tried to dissuade them by asserting that it was ineffica-

tricks and manœuvres of electioneering tactics; and that so far from the Ballot shutting up the sources of fraud, they are full of complaints of the falsification and fabrication of Ballot tickets.' Compare Appendix A.

cious as a means of checking Bribery at Athens; that he knew such to be the fact from his own personal observation; and suppose, that afterwards, some smart clever writer published the following remarks in a fourth rate Lacedemonian Review, written in the terse condensed style peculiar to that people:[30]—"when the magistrate says the Ballot does not destroy Bribery in Athens, we say, we do not believe him. 1st. because he does not believe it himself. 2ndly. because he is foolish, and cannot judge of these things. 3rdly. because we indeed know what secret voting is: but the Athenians do not: for they use it badly. For indeed the Athenians are well off; they have many slaves; they are independent. Also we know better than this silly man: the Athenians do esteem the Ballot; for also they use it; nor are they under a yoke as we, to do what they like not. Also we say that the Ballot does stop bribery at Athens." Now how grievously would this worthy magistrate have been wronged, if it turned out after all that he was right, and the Reviewer wrong! And it undoubtedly would turn out so, as will be shown by and bye.[31] When a gentleman once denied in Bruce's presence that the Abyssinians ever ate raw flesh, because it

[30] The classical reader will be glad to learn that through the kindness of a literary friend, the Author is enabled to quote an original fragment of this very Review:——οὐ πιστεύομες· ψευδὴς γὰρ ὁ ἀνήρ· ἐστὶ δὲ καὶ μῶρος, περιεργασδόμενος, οὐδὲν εἰδώς· τρίτον δὲ, ἅμμες μὲν ἰδαμες τὸ ψαφίσδεσθαι ὅ, τι ἐστι, τοὶ δ' Ἀθαναῖοι οὐ——

[31] See p. 63, foll.

was impossible that any human being could do so, Bruce made him swallow a raw beef steak before he left the room, and so disproved the impossibility. The Reviewer should at least submit to the milder penalty of eating his own words, however crude and offensive they may be.

But how comes it then that the use of the Ballot has been continually extended in America? Merely because in the mode in which it is there exercised, it works no practical mischief, and has the charm of theoretical simplicity. The English constitution was not made, but grew: it did not spring forth at once, a creation of perfect prudence; but ripened into maturity by slow and unseen degrees. The American constitution, was struck out at once, complete in all its parts: It embodies the wisdom and forecast of only one generation of men: It must be regarded rather as an hypothesis, than a theory; and like all other hypotheses, depends on certain principles arbitrarily assumed. Thence it is, that the respect felt by an American for the institutions of his country is made up of a love for hypothetical legislation, moderated and tempered by the controlling influence of old associations. Political changes will therefore exhibit something of this national sentiment, and the Ballot might thus have been expected to gain ground in America, from the mere fact of its having been originally established in so large a proportion of the States: and this might have been foretold in America with but

little more hazard of mistake than that the system of open voting in this country would be extended to the new Boroughs created by the Reform Bill. But neither its original establishment, nor its extended use are any proofs whatever that it ensures secrecy in elections.

The Reviewer next tells us, —" that in no one State in which the Ballot has ever been used, has the thought been entertained of discontinuing it." To divine the thoughts of States is a very high privilege, and implies great sagacity. But one would have thought that changes might have come over the spirit of trans-Atlantic dreams without the cognizance of the Reviewer: and this presumption is in some measure lessened by finding the following statement in a work not anonymous, but of known and acknowledged authority.[22] " A very few exceptions occur to voting by Ballot, as in Kentucky and Virginia; and in the year 1821, when the constitution of Massachussets was amended, it became a question whether the votes of the people upon the proposed clauses of amendment should be taken in the towns of 4000 inhabitants and under, by Ballot or not. Upon a division in the convention a majority of 185 to 69, was against the Ballot being necessarily the way of taking the votes upon that occasion, which was left to the select men." So it would seem that even *the esteem* for the Ballot is not so universal as the

[22] Hinton's Hist. of the United States, vol. ii. 330, note.

Reviewer would have us suppose: and that degree of esteem which denotes an attachment to a system in the abstract, but does not extend to it when practically applied, is of almost too subtle and impalpable a nature to be considered of much weight. If then the Advocates of the Ballot can make no more of the case of America than what we have just seen, we may listen with less distrust to *the assertions* of its opponents. Let us call a witness, whose veracity and powers of observation, the Reviewer himself would probably not be disposed to question.

In the debate upon the Ballot, in the year 1835, Lord Stanley said—"But then we are told to look at America, and see how the Ballot works there! I have been in America; and I confess that what I observed in that country did not lead me to suppose that the Ballot is an effectual protection against Bribery, or provides satisfactorily for the attainment of secrecy. At every election in America the votes of the individuals are just as notorious and just as much jobbed as they are in England. I have recently received a letter from a friend of mine, of liberal principles, who is travelling in America: in which he says—"I see here the practical working of the Ballot and universal suffrage—treating, bribery, and jobbing are the consequences of the former, and scenes of tumult and violence arise out of the latter. I have not found one eminent lawyer or statesman in this country who does not, as re-

gards England, lean to the Conservative side, more or less. Federalists, Nullifiers, Whigs, and Jacksonians all agree in saying—'For Heaven's sake, take care of what you are about in England. We know the practical effects of vote by Ballot, universal suffrage, annual elections, and mob force.'" Honourable members, who approve of the Ballot, say that the voters will have nothing to do but to put their votes into an urn, and no person would know for whom they voted. I admit that secrecy might be maintained if all parties were agreed that votes should remain secret; but you have to contend not only with the secret influence of relations and family connexions, but with the more active influence of Conservative Clubs and Reform Associations, both of which are determined to ascertain the way in which every man in the country is going to vote. If, under such circumstances, I am told that the Ballot will establish secrecy in England any more than it does in America, I laugh the assertion to scorn. I know how elections are conducted in America. In the first place there is a preliminary meeting, for the purpose of ascertaining how every man intends to vote—a proof how much public feeling revolts against the idea of secrecy. This is the first step. What is the next? An urn is placed in a room, at the door of which stands an agent for each of the candidates—one with a blue, and the other with a green ticket; one of which the voter takes, to show for which he intends to vote! I have

seen it done a hundred times! I say that this is the practical working of the Ballot in America."[33]

This piece of evidence speaks for itself. It needs no comment. However the Reviewer, conscious that judgment would be given against him before the tribunal of history, has still a resource left, and boldly lays claim to absolute infallibility. "We know well," he says,[34] "what secret voting is; and we know that it may be rendered a complete security against external influence in voting for Members of Parliament."[35] The late Mr. Cobbett was of opinion, that if an act was passed to compel all the "*We's*" to exhibit themselves once a month in Hyde Park, it would be both complimentary to them and satisfactory to the public. And if ever curiosity might be deemed allowable, it surely would be in the present instance, when the public might behold a "*We*," concealing under the plain exterior of an English Reviewer, the power of prophetic infallibility! Mr. Burke was content to take experience as a teacher, and to judge of the future by the past. "All contrivances by Ballot," he says, "we know *experimentally* to be vain and

[33] See Appendix A. [34] Ibid.

[35] This sentence is very cleverly worded. If the Reviewer had said '*had been rendered*,' the assertion would have been at variance with known facts; '*may be rendered*,' throws us at once upon the Reviewer's prophetic infallibility. Fortunately it is at the same time an admission that the Ballot has not ensured secrecy as yet! So impossible is it to argue a cause in defiance of irrefragable evidence.

childish to prevent a discovery of inclinations." The Reviewer seems to regard facts as mere fetters to the judgment, and to think political speculation degraded by receiving any aids from history.

But the most considerable historian on that side, by far, is Dr. Bowring. And as, like his great predecessor, the Father of History, he is a travelled man, and 'has seen the manners and cities of many men,'—any thing that falls from him must of course carry with it very great weight. "Sir," says the learned doctor,[36] "the Ballot is not a thing of modern invention—it existed in ancient times—we know it was practised among the Greeks and Romans. It was one of their greatest political discoveries. Forgotten in days of barbarism, it was reproduced when philosophy and knowledge became the handmaids of political emancipation. It seems to accompany every progress in the path of political experience, and to associate as it were of necessity, with popular influence. It was introduced into the provinces of the United States one by one, after duly weighing its value and its efficacy; and now it prevails in almost all of them, because it has been found to be successful. It forms a part of the representative code of France; and it is found—I say so from my own knowledge—practicable and efficient there; and I doubt whether ten men in the Chamber of Deputies would be found to deny its benefit, or whether ten men in the Cham-

[36] Debate of June 2, 1835.

ber of Deputies would be found to deny its practicability. It was introduced into Spain with a suffrage almost universal—into Portugal, and into Italy, and it exists in Belgium." Now here we have a very brilliant array of historical facts. It is true, they are too figuratively and poetically stated to be of much service to the Statistical Society; but still very useful to prop up a weak argument. However, the important thing to observe is, that the word *secrecy* never once occurs throughout the whole passage. In Greece and Rome, we are told, it *was practised, and was a great political discovery.* But the modern history of the Ballot is plainly that on which the learned doctor has bestowed most pains; and from the minuteness of his account, it would almost seem that he had taken a degree in medicine as well as in laws. We have from him a detailed narrative of its birth, parentage, childhood, companions, and acquaintance! What biography could be more complete? Its birth was an alarming prodigy! It was, says the learned doctor, produced by Philosophy and Knowledge, who were at that interesting period two of the Maids of Honour to Political Emancipation! It was brought up with Political Experience as a Playmate. It was in more advanced age thrown by the force of circumstances into the Society of Popular Influence: So it seems to have been a Democrat from its earliest years: and hence it followed that its acquaintance became very extensive indeed, and

its influence considerable. We find it, continues the doctor, prevailing in America, adopted in France, introduced to Spain and Italy, presented to Portugal, and now residing in Belgium!

Of course the inference that the learned doctor means us to draw is, that in all these countries, ancient and modern, it has been or is, practised with success. And when the real meaning of the words *practised with success* is cleared out, and ascertained, it may possibly be found that he has only been stating what nobody ever dreamed of denying. Now, 'practised with success' cannot mean that it *checked bribery:* because in Greece and Rome it increased it an hundred fold.[37] It cannot mean that it *ensured secrecy:* because in America it does nothing of the kind. It cannot mean that it *put an end to intimidation:* because it will be shewn hereafter by the evidence of its own advocates, that for that purpose it must be utterly inefficacious.[38] But the doctor will exclaim—'Stop—stop—this will never do! If you go on at this rate you will leave me no meaning at all!' Not so, Sir: by this useful process of exhaustion we have arrived at an exact knowledge of your meaning, and guaged its precise measure. That meaning is: that the Ballot is practised in all those States in a particular manner, neither ensuring secrecy, nor preventing intimidation or bribery, it is true; but still in such a way, that the bulk of the

[37] See p. 63, foll. [38] See p. 60, foll.

inhabitants are pretty well satisfied with it: in short, just as the open system of voting is practised in England; and giving, perhaps, generally speaking, not so much, certainly, but still pretty nearly as much satisfaction. And this proposition is true enough: but it obviously is no argument either for its ensuring secrecy, or for the propriety of adopting it in this country. For it does not show that the people, who use it, like it *better* than we do our system of open voting, any more than the fact of one man eating venison, and another man eating mutton, proves that the one likes his venison *more* than the other likes his mutton. Venison suits one man: mutton suits another: each of them may sometimes wish to exchange diets by way of making a variety: just as the state of Massachussets thought that under particular circumstances, open voting was preferable; but still, on the whole, each finds his usual mode of living agree best with him, and naturally enough abides by it.

But the truth is that most of these historical examples are, as was said before, mere bubbles blown by Dr. Bowring to catch the fancy of the unlearned. Who would ever think of going to modern Italy, to Portugal, to Spain, or to Belgium, for models for the British Constitution? But Projectors in all countries are pretty much alike, though national habits may differ. "There was a most ingenious architect in Laputa, who contrived a new method for building houses by beginning at the roof, and

working downwards to the foundation: which he justified by the like practice of those two prudent insects, the bee and the spider."[39] So the learned Doctor would have us make Belgium our bee, and Spain our spider, and turn every thing in England topsy turvy, in order to get a sort of Hispano-Belgic Constitution with all the peacefulness and solvency of the former country, all the uprightness and spirit of the latter!

But what says the Member for London? Has Mr. Grote, whose speeches are perfect master-pieces of cool and clear argumentation, though unfortunately the premisses of his hobby-horse are too weak to support the enormous conclusions that he puts upon it—has he ever relied on such evidence as this? Nothing of the kind! He did in former times, it is true, speak of America and France. But he always left it to Dr. Bowring to bring home from his travels those other little historical curiosities, to illustrate his metaphorical orations on the Biography of the Modern Ballot. However, even the Member for London has weighed his own historical evidence in a newer and better scale than he did some years ago. For look to the several debates that there have been upon this question—in 1833-35-36-37. And who that is fond of speculating on Political Philosophy will not think it a curious and interesting fact that the cry for the Ballot has increased, as the tangible intelligible

[39] Swift's Works, vol. xi. p. 229.

arguments for it have diminished! In 1833 Dr. Bowring charmed the Senate with his famous 'Biographical Statement,' arraying on his side the united forces of Greece, Rome, America, France, Spain, Portugal, Italy, Belgium! and even Mr. Grote instanced America and France! But after having the subject strained clear of all its grits and sediment, and well scoured in the successive debates of 1835 and 1836, we find all Dr. Bowring's motley force at sixes and sevens—the Greeks and Romans, long since dead, and their bodies sold to the surgeons of the Conservative army—the Americans, as was natural, in mutiny against their English general—the French, all killed stone dead in one night by Mr. Charles Russell[40]—the Spaniards, Portuguese, and Belgians, as usual, fled far away long before the battle begun—and the Member for London standing nobly forward without any offensive weapons whatever, and only a small wicker shield of metaphysics, very loosely framed, and pierced with many holes, to keep off the thousand darts that his opponents early in the campaign had taken from his own camp! Throughout the whole debate of 1837, not one single historical argument of any sort or kind was attempted to be brought forward, either by Mr. Grote or any one of his party, to support their view of the question!

So far then as the preservation of Secrecy is concerned, History proclaims in language not to be

[40] See this gentleman's speech in 1835. Compare Appendix B.

mistaken, that the Ballot is utterly worthless. The other party, therefore, abandon their regular *Historical* ground, and take refuge in *every day practice*; flying some to the East India House—some to their Clubs—there to seek for shelter, if they cannot get support. In these two retreats they are furnished with two new arguments; to be used, one or both of them, as occasion may require. The one is, that in each of those places the system of Balloting prevails, and Secrecy is always preserved. The other is, that it is a piece of scandalous sophistry to denounce the Ballot in Parliamentary elections as un-English and dishonourable, when in all these private associations it is invariably practised: and further, that it is an insult and an injury to the poor to debar them from protecting themselves in public elections by the same means that the rich adopt to protect themselves in private elections. This latter argument will be exposed presently: the former shall be refuted at once.

Is then Secrecy inviolably preserved in the East India House? "Nothing of the kind! In those elections no one hesitates to say for whom he intends to vote, or for whom he has voted."[41]—So much for the value of *a priori* reasoning when opposed to stubborn matters of fact!

But the Clubs!—at all events matters are kept quite secret there. Now, this may be perfectly true, and yet, *as an argument*, perfectly useless.

[41] See Mr. C. Russell's Speech, 1835.

Let us examine it. *In voting for Candidates at Clubs* there are only two parties concerned; the Candidate and the Electors. There are no Landlords to intimidate, or Agents to offer Bribes. The Electors may keep their votes secret, or not, just as they please, without any fear whatever: and the Candidate is the last man in the world who would wish to enquire how particular persons voted. If he is black-balled, he cannot get any redress, or avenge himself in any way. He might by diligent inquiry ascertain that some men were ill disposed towards him; and such is the curiosity of mankind, that probably such cases constantly occur. But the Candidate obviously has no other temptation to search into the causes of his disaster; and there is this strong reason to deter him from doing so:—namely, that the further he pushes his researches, the more satisfactorily does he discern that the roots of his unpopularity were more widely spread than he had imagined. Hence it is then, that in Elections at Clubs, secrecy, generally speaking, is preserved, because it is the interest of *all parties* to preserve it:——But should *one of the parties* think it is his interest to penetrate the mystery, and ascertain the men to whom he was chiefly obnoxious, the Author believes that he could almost always do so successfully.[42] *In Parliamentary Elections*, on the other hand, there are

[42] It is satisfactory to find that Mr. Grote has never adduced the case of Clubs in proof of the Ballot ensuring secrecy

three parties concerned. The Electors: the rival Candidates: and their friends and agents. Of these parties, the Candidates, and their friends and agents are deeply interested in finding out how the electors are going to vote, or have voted. The electors are the only persons whose interest it can be to keep their votes secret. But as the other two parties spare no pains to ascertain the nature of the votes, it may naturally be expected that they will, generally speaking, if not invariably, succeed in doing so. As under similar circumstances the rejected Candidate might do, after an election at a Club. Thus then the only point of view, in which the two cases bear any resemblance to each other, if it furnishes any argument at all, does so rather to the opponents of the Ballot than to its advocates. But it will be shewn hereafter that the two cases have nothing at all in common. So easy is it to make a mere jingle of words sound like a conclusive argument!

It seems then that the advocates of the Ballot can neither find countenance abroad, nor support at home. The lean diet of metaphysics is all that remains to them! Must we deprive them of this also? Historical Truth demanded Vengeance before—Metaphysical Truth clamours for it now.

"Thus hath the course of Justice wheeled about."

Will the Ballot ensure Secrecy? It will, say its advocates, because it will place the voter's own

secret absolutely in his own keeping: and his interest is to keep it. In dealing with such close reasoners, all the helps of logic must be employed: it will be prudent therefore to make a cautious analysis of this argument, and to exhibit that delicate process in the two following syllogisms.

1. The only way in which the vote can be ascertained, is by the voter disclosing it himself:

   The voter will not disclose it himself:

   Therefore the vote will not be ascertained.

2. No man will do that which he knows to be against his interest:

   If an elector were to disclose which way he voted, he would be doing that which he knows to be against his interest:

   Therefore no elector will disclose which way he voted.

The major premiss of this second syllogism is the foundation stone of the Ballot: and we thus come at once upon what we have termed the metaphysics of our opponents.[43] As their weapons will henceforward be furnished entirely from this armoury, it will be as well to examine their real strength and temper before we proceed further.

All political changes are experiments on human

[43] The philosophical reader will at once see that this term is only used in its vague popular sense, conveying the same meaning as is usually attached to the terms 'abstract reasoning.'

nature: and in order to succeed, should be based on a right notion of the principles on which mankind commonly act. If those principles are misconceived, the experiment may either simply come to nothing; as was instanced by the Orders in Council that provided for the shoeing and shaving of the West Indian Negroes: or it may produce incalculable mischief; as may be proved by the taxation of the American Colonies, and the establishment of the worship of reason in France. Now there are certain general principles common to all mankind: and there are other principles, which seem more especially to belong to particular nations, and particular classes of men in each nation. These latter grow out of the former; and are indeed identical with them in substance: but are modified by certain disturbing forces and arranged in different combinations, so as to exhibit that more complex system of principles and sentiments which is commonly termed national character. Politicians have therefore to conduct their experiments as well with a due regard to the general nature of mankind as to the national character of their countrymen:[44] and Legislation, however well intended, if it be not conducted on these principles, may chance to be tyranny, or may chance to be folly, according to circumstances. Thus if a wild

[44] 'Politics ought to be adjusted not to human reasonings but to human nature; of which the reason is but a part, and by no means the greatest part.'—Burke's Works, II. 170.

Indian were suddenly required to adapt himself to a system of English liberty, he would think himself enslaved: a Chinese under similar circumstances would feel himself emancipated; and yet perhaps would be less happy than he was before.

The advocates of the Ballot seem not to have sufficiently attended to either of these two considerations. Throughout all their reasonings there is a prevailing misconception of the general principles of human nature, and an apparent forgetfulness of the particular character of their own countrymen. It has been before stated that the demand for the Ballot originated with a particular school of thinkers. This assertion is grounded on a comparison of the tone and character of the writings and speeches of the parties in question, with the philosophy of those persons, whose mode of thought and general maxims the advocates of the Ballot have systematically adopted. Whether it be actually the case that Paley, Bentham and Mill, are the acknowledged founders of this school, or only that they happen to coincide with those distinguished men in the leading features of their philosophy, the writer of these pages does not pretend to decide. But that their tenets are generally speaking the same as those of Paley, and their manner of expounding them very similar to that of Bentham and Mill, is too obvious to be further insisted on.[45] The proposition which forms the major

[45] The writer of the article above quoted on 'Utilitarian Logic and

premiss of the second of the above syllogisms, that 'no man will do that which he knows to be against his interest,'—evidently involves the further proposition—'that men always act from self-interest'—and thus we have at once the fundamental maxim of the philosophy of Paley. The basis therefore of the system is the supreme paramount nature of self-interest, as the motive and end of all human action, antecedently to all moral feelings, and in truth not acknowledging their independent existence. It follows then at once from this, that self-interest must be considered as ever present to the mind: an animating, controlling, instigating principle, authoritative in its influence, unerring in its decisions, and conclusive in its evidence. For as men are supposed always to act from some motive, and as the hypothesis is that they never act contrary to their interest, it necessarily follows that a regard to that interest must be always before their eyes in the most clear and definite form. One would think that the bare statement of this philosophy would be enough to disprove it. But such is the

Politics,' says of this school—'we apprehend that many of them are persons who having read little or nothing, are delighted to be rescued from the sense of their own inferiority by some teacher who assures them that the studies which they have neglected are of no value, puts five or six phrases into their mouths, lends them an odd number of the Westminster Review, and in a month transforms them into Philosophers.' p. 160. As this article has been stamped with the approbation of Sir James Mackintosh it may be deemed to have some authority.

tenacity of speculative error, that even the unrivalled powers of Butler, aided by the keen, clear, convincing reasonings of Macintosh, Stewart, and Sedgwick, seem unable to tear away this cleaving curse, that pulls down minds capable of better things, to the degrading level of a low and creeping Utilitarianism. The present writer will not presume to give the arguments of these great men in other words than their own: nor need he enter at length into the controversy. The following remarks of Sir J. Mackintosh will fully explain where the fault in the system lies.[46]

"'Virtue, says Paley, is the doing good to mankind, in obedience to the will of God, and for the sake of everlasting happiness.' These words contain a false account of virtue. According to this doctrine, every action not done for the sake of the agent's happiness is vicious. Now, it is plain, that an act cannot be said to be done for the sake of anything which is not present to the mind of the agent at the moment of action. It is a contradiction in terms to affirm that a man acts for the sake of any object, of which, however it may be the necessary consequence of his act, he is not at the time fully aware. The *unfelt* consequences of his act can no more influence his will, than its *unknown* consequences. Nay, further, a man is only, with any propriety, said to act for the sake of his *chief*

[46] See his 'Ethical Philosophy,' p. 278.

object; nor can he with entire correctness be said to act for the sake of anything, but his *sole* object. So that it is a necessary consequence of Paley's proposition, that every act which flows from generosity or benevolence is a vice. So also is every act of obedience to the will of God, if it arises from any motive, but a desire of the reward which He will bestow. Any act of obedience influenced by gratitude and affection and veneration towards supreme benevolence and perfection is so far imperfect; and if it arises solely from those motives, it becomes a vice. It must be owned, that this excellent and most enlightened man has laid the foundations of religion and virtue in a more intense and exclusive selfishness than was avowed by the Catholic enemies of Fenelon, when they persecuted him for his doctrine of a pure and disinterested love of God."

This extract is sufficient to show that the general proposition 'that men always act from self-interest', is quite untrue. It shows that there are other motives of human action, wholly removed from, and diametrically opposed to any selfish considerations whatever. So far then, at all events, this system of philosophy is erroneous: and it is so, because it takes one half of the human character, and reasons on it as though it were the whole.

But though it may be true that men have other motives of action *besides* self-interest, is it not true that they never will act *contrary* to self-interest;

because if so, this is all that we (the advocates of the Ballot) contend for?

There is a fallacy here owing to the ambiguity of the term Self-Interest: It may either mean—general well-being:—or it may mean—the gratification of any particular desire that happens to be predominant for the time. If it be taken in the latter sense, the proposition is self-evident; for it is obvious that men will always act upon that motive which to them seems strongest: but it completely destroys their argument. For it is clear that individuals and multitudes often desire what they know to be most inconsistent with their general well-being. Even a whole nation, as much as an individual, sometimes more, may not only mistake its interest, but perceiving it clearly may prefer the gratification of a strong passion to it.[47]

But it will be replied—that even granting this to be true, our proposition may still be maintained: for as the voter will have no conceivable temptation to mistake his interest, or to be blinded by passion, it is impossible to suppose that he can disclose a secret which every circumstance, connected

[47] The author does not pretend to claim these arguments as his own. They also are due nearly word for word to Sir J. Mackintosh. See 'Ethical Philosophy,' p. 309. See also Montesquieu, Esprit des Lois, ii. cap. 2, on the effects of the Ballot at Rome. Have the unfortunate Canadians followed their true interests in acting upon the advice of M. Papineau? Did Catiline follow his own true interest in conspiring to ruin his country?

with it, instigates him to keep carefully locked up in his own bosom.

Now it is certainly true on the one hand, that it will, in some cases, be the voter's interest to keep his vote secret. It is equally true on the other, (for such is the hypothesis) that in the same cases it will be somebody's interest to discover it. The parties concerned will thus be in the situation of two antagonist tacticians. And we have Livy's description of the rival stratagems of Hannibal and Fabius reduced to the scale of private discord, and realised in the petty arena of an English farm-yard. But which will be victorious? Here, we behold the stout sagacious farmer, hedged in on every side, and guarding against all surprise: there, the subtle active prying agent, keenly intent on his own object, and resorting to all the crafty wiles that practised ingenuity can suggest to pluck out the heart of his mystery!—flattering the wife,[48] coaxing the children, bribing the

[48] See Sir R. Peel's speech, April 5, 1833. And in that of June 23, 1836. Mr. Brodie (unquestionably an impartial witness) said —"I recollect very well at the close of the contested election for Salisbury in the year 1822, asking a poor unfortunate voter, who had been obliged to vote against what he called his principle, whether he thought the Ballot would be any protection to him? His answer was, 'Oh! no, Sir; it would come out some how or other how one had voted'—and then he added with a great deal of naiveté —'And you know, Sir, a married man would be sure to tell his wife.'" See also *instar omnium* Mr. Brougham's speech. Appendix G.

domestics, wheedling the friends, seducing the man himself into a state of semi-intoxication in order to drown his caution and stir up his courage, and then take down his words: converting casual expressions into open avowals, putting the question boldly, and then construing hesitation or silence into assent. Such will be the nature of the conflict, and who can doubt the result![49] Fabius was drawn down from his fastnesses by the rashness and folly of his own soldiers: the farmer, if he keeps a guard over his own lips,[50] will assuredly be betrayed by some one, whose tongue (to use Lord Brougham's expression) is not 'so nicely poised or so securely hung' as his own.

But the writer well knows that an outcry will be raised against him as taking a mean and almost brutal view of human nature! hear then the Re-

[49] See Ed. Rev. vol. 56, p. 556, 7; and Bacon's Essays, 6: "he that will be secret must be a dissembler in some degree; for men are too cunning to suffer a man to keep an indifferent carriage between both, and to be secret, without swaying the balance on either side. They will so beset a man with questions, and draw him on, and pick it out of him, that without an absurd silence, he must shew an inclination one way; or if he do not, they will gather as much by his silence as by his speech."

[50] The West. Reviewer's mode of meeting this is amusing and happy. He says (p. 30), 'If you say that the man would tell how he votes, we answer that the man may do so as much as he pleases; but the secrecy of the vote will be just as perfect as ever, since it must for ever be a secret, whether or not he speaks the truth!'—Which shall we admire most—the Reviewer's scrupulous justice, or his cautious incredulity?

viewer's account of the matter. What is his view of human nature? The above description only applies to some portions of society. The Reviewer's more extended acquaintance with mankind convinces him that almost all his countrymen in the upper classes of society are fools or villains. "What is the object of the Suborner? to seat himself in Parliament. This may be for a public purpose, or a selfish one. The Public purpose is not that of the majority of Candidates. No man, even a Member of Parliament, out of the House of Commons, will pretend that it is. No man, who knows his countrymen, will deny that those who go into the House constitute two classes; those who go in for the vanity of the thing; and those who go in for plunder; and that the rest at the highest estimate constitute a miserable exception."[51] So much for the Upper classes! But surely the Electors, the intelligent, thinking, right-minded, reflecting Constituency, to whom the destinies of England are entrusted, cannot be open to a like charge. Let us hear the Reviewer's opinion of them. "It is a matter of fact, notorious and undisputed, that a great majority of those who vote for Members of Parliament in England, proceed to the hustings under the influence of what they either hope to receive or dread to suffer, and prostitute themselves in the most infamous manner, by voting, not according to the dictates of their own minds, but like

[51] West. Rev. p. 12.

crouching slaves, at the will of another."[52] To make the show complete, the Reviewer then presents us with a view of both classes at once.[53] "There are two parties at an election; one, that of those, who give prostitute votes; the other, that of those who suborn them. It is of no use to tell us that there are honest voters at elections; there might be more than any body will pretend there are, without affecting the truth of our description. The honest votes, taking the country as a whole, are a miserable exception."[54] Surely then if the Reviewer's notion of his countrymen is correct, those who go into the House of Commons solely for plunder, will not be very scrupulous what means they employ to gain their end, or very much inclined to shew mercy to those by whom they suspect they have been thwarted. And on the other hand 'the crouching slaves' are not likely to keep faith with each other, should they chance to become acquainted with their neighbour's secret, or to be very sternly virtuous in resisting the bribes that may be offered to induce them to bring charges against another, which the very system which is to operate as his protection, will render it absolutely impossible for him to disprove in any way whatever.

[52] p. 20. [53] p. 32.

[54] This article appeared before the Reform Act was passed: but as Mr. Grote thinks intimidation has increased since then, the Reviewer's character of his countrymen cannot be thought less applicable now, than it was at the time of publication.

But who for a single moment will assent to the above description of character as drawn by the Reviewer? Yet such is the genuine fruit of the selfish system of philosophy; and in truth is the cause of all the evils that spring forth, hundred-headed, from that terrible theory. If the philosopher himself believes his own doctrines, what a monster would he be. Fortunate it is that 'Men are never so bad as their opinions:'[55] such as he would be then, he is apt to think other men are now: and from this dark, melancholy, jaundiced view of human nature is woven out a sickly, sad-coloured scheme, grounded on ignorance and misconception, utterly untrue, and miserable in all its parts. The present writer regards his countrymen in a wholly different light. And for that reason is much inclined to believe that the intimidation (so justly complained of even in its most limited exercise) is very much over-stated;[56] and he believes for the same reason that the scandalous system of espionage, which will be the certain result of the Ballot, will be much less general

[55] See Sir J. Mackintosh's Eth. Philosophy, p. 305.

[56] So said Mr. S. Rice, in the Debate of March, 1837; and Mr. Poulter reminded the House that the Report of the Intimidation Committee (on which the Advocates of the Ballot grounded their opinions) was drawn up from an *ex parte* statement—not on oath—and that the witnesses often spoke from mere hearsay: and that thus a single categorical proposition, affirmed by an unsworn witness and based on a mere rumour, was quoted as conclusive evidence on a point which a Court of Law would think it impossible to decide without 40 or 50 distinct trials.

than it would be, were human nature such as the Reviewer represents it. But be it recollected he has taken the Reviewer's premisses, in order to draw from them (what it seems to him the Reviewer has not drawn) namely—the legitimate conclusions.

If then, this grievous and intolerable system of espionage will take place in England, what may be expected to happen in Ireland? where the agents are more subtle, more skilful, more taught, more practised, possessed of an engine powerful enough to wrench the human mind from its most settled determination, and instigated by every motive of party zeal and religious enthusiasm to try their powers to the utmost. What barriers of human will can avail against such a force as this? May it not be feared that the elective franchise will soon be deemed a hardship, not a privilege; a curse, not a blessing?

It was said above that the Advocates of the Ballot seem to forget the peculiar national character to which their system is to be applied. For as there are such qualities as benevolence, justice, generosity,&c., distinct from selfishness, though they may deny it, so there is such a thing as national character, however little imbued with it the Reviewer and his party may be. Slaves are usually said to be cunning and deceitful, prone to treachery, and regardless of truth. The philosophy of the matter is plain. Slavery makes them so. The same

account may be given of the characteristic qualities of the bulk of the English nation. They are honest, open, trustworthy, perhaps credulous, and liable to be imposed upon for that very reason. The long enjoyment of constitutional freedom has built up in them a character of which these qualities are the chief corner stones. Are then these men, who have been accustomed for centuries to glory in an independent expression of their likings and dislikings, of their opinions and sentiments, of their wishes and their hopes, as though freedom of speech were an Englishman's birth-right, likely to be converted at once into a nation of silent thinkers,[57] by the septennial, triennial, or even annual handling of two white and two black balls? Is this common sense, or is it a mere metaphysical cobweb spun out of the mazes of an ingenious but entangled fancy? The Ballot is thus obviously un-English: that is to say, directly opposed to the whole tone and spirit of the nation.

But if we are to think with the Reviewer, that the whole of the community is divided into corrup-

[57] This idea is not new. A similar experiment was made in the island of Laputa. We read in the history of that country that "*a scheme was projected for entirely abolishing all words whatsoever:* * * * * and this invention would certainly have taken place, to the great ease as well as health of the subject, *if the women, in conjunction with the vulgar and illiterate,* had not threatened to raise a rebellion, unless they might be allowed the liberty to speak with their tongues after the manner of their forefathers: such constant and irreconcileable enemies to science are the common people." Swift's Works, xi. p. 235.

ters and corrupted, into those who cause perjury and those who are perjured—into fools and villains on the one hand, and slaves on the other—Why, the very worst and rudest barbarians that can be found anywhere on the earth are less degraded by far than those, of whom a greater than the Reviewer has said, that " wherever mention is made of countries, manners or men, the English people, among the first that shall be praised, may deserve to be accounted *a right pious, right honest,* and right hardy nation."[58]

The foregoing reasoning has been applied only to the case of country tenants. " But much of it, though not the whole, is equally applicable to the tenants of town houses. In particular, they are far less liable to be watched ; and can more easily turn aside impertinent questions. They have very little intercourse with the landlord and his agents ; and they vote in most cases among a greater number of persons. Although certainly there are some towns or parts of towns, where one landlord holds so many houses, that he may by a resident agent and practised canvasser, and the resources of the spy system, which would speedily connect itself with the Ballot, set at defiance all attempts at concealment. It may be said that the tenants of such a district

[58] Milton, ' Reason of Church Government urged against Prelaty,' I. p. 111. See also his ' Doctrine and Discipline of Divorce,'—" LET NOT ENGLAND FORGET HER PRECEDENCE, OF TEACHING NATIONS HOW TO LIVE."

would be a match for the landlord, who could never afford to turn out scores of occupiers, and suffer whole streets to go untenanted. But in the first place, this argument is contrary to the supposition, and would go to prove the Ballot unnecessary: in the next place, the process which the landlord would take is manifestly of a different kind, though as effectual:—he would make examples of some to deter others; and lastly, the threat would operate on all, for though each might know that it would not be universally executed, no one could tell that the vengeance would not fall on him. Upon the whole, it seems clear that though the owner of a few houses would lose his power of intimidation by the Ballot, the great landlord, against whom its protection is mainly wanted, would be as strong as before: and that the tenants here, as in the case of farmers, would find it necessary to protect themselves against the arts of spies, the whispers of informers, the malice of tale-bearers and tale-makers (trades generally united in the same individuals), and the partial counsel of agents:—in a word, would find it necessary to protect themselves by refusing to vote at all, so that here, as in the other case, the Ballot, instead of protecting the voter, would disfranchise him.[39]

The same argument applies also to a certain

[39] Ed. Rev. Vol. 56. p. 554. It had been shown in a previous page that the country tenant would be practically disfranchised by the Ballot.

extent, but with materially diminished force to the case of tradesmen in towns; and in proportion to the size of the town, the force of the argument is impaired. Indeed it is here, if any where, that the Ballot appears capable of affording protection. But if the spirit of the contest runs high, the customers of the several parties will combine, and effect a scrutiny almost as severe as that of a landlord among his tenants, or a master among his workmen: and in the degree that the Ballot had rendered it more difficult to ascertain the opinions of the electors, precisely in that degree would the amount of evidence required become less: suspicion would take the place of certainty: and by this iniquitous adjustment of the balance the amount of evil would remain just as great as before.[60]

But the honourable member for London may say —"these are the arguments of a certain noble and learned Lord, who now comes regularly to my school: therefore he, at all events, thinks but meanly of them." However, the arguments may be better than the advocate: and there is such a thing as changing one's views of a question without changing one's opinions: and as that noble and learned person has often given his opinion against the Ballot, together with the grounds of that opinion, he of course could not ask his former adherents to

[60] For "it is the nature of tyranny and rapacity never to learn moderation from the ill-success of first oppressions."—Burke's Works, xiii. 320.

keep their judgments riding at single anchor, ready to slip their cables whenever their old captain hoisted a new flag. If the noble and learned Lord has once given his reasons for thinking the Ballot an utter delusion, what weight are we to attach to a declaration on his part of a readiness to adopt and act upon that delusion, without assigning one tolerable reason for the change![61] This would seem more like a freak of fancy than a change of opinion, had we not learned from Shakspeare that 'opinion is a plaguy thing! a man may wear it on both sides like a leathern jerkin.'

Such are the arguments to prove that the Ballot will ensure Secrecy! History, every day practice, and metaphysical speculations have successively given way under the pressure of calm investigation.

> Horum naturam triplicem, tria corpora, Memmi,
> Tres species tam dissimiles, tria talia texta,
> Una dies *dedit* exitio."——[62]

However, there is still one more argument, which is so funny and so whimsical, that it was impossible to range it under any of the foregoing classes. It may be called the *argumentum ab urnâ*. And in the reasonings that arise from it,

[61] For even now the noble and learned Lord says—"*I still think that the Ballot will not be very efficacious between landlord and tenant, and I am quite certain that in counties it will afford no protection to the voter at all.*"—Debate in the House of Lords, December 2, 1837.

[62] Lucret. V. 94.

we find the Member for London, like Pandora, presenting his party with a box, in which nothing is seen but a small figure of Hope, dressed like the wife of a modern 10*l.* householder! The whole matter is so mysterious, that by mere common sense no one can hope to understand it. It seems, however, that Mr. Grote, like the wise Jewish monarch of old, has hired cunning artificers from all parts of the kingdom, and constructed a curious box! Now no one can doubt for a moment that Mr. Grote is a competent judge of a safe retentive Box, and therefore is a very fit person to superintend the making of any such an article. But it never entered into the heads of the opponents of the Ballot to suppose for a moment that the Box would reveal its secrets, or be intimidated, or have its virtue endangered by bribes! We shall hear next of a dumb waiter betraying the vote of a live waiter for the sake of Conservative gold. The fear is about *the men*, not about *the box!* and unless Mr. Grote means to provide each of the voters with *a safe* in which he may keep his tongue, and only take it out occasionally, in order to amuse himself with a monologue, when nobody is bye, it is to be feared that the Hon. Member for London has spent a great deal of his valuable time to very little purpose.

And here the case of Secrecy closes. The probability of ensuring it has been patiently weighed. It has been sought abroad: It has

been sought at home: It has been looked for with all the aids of metaphysic light: but it has been looked for in vain. Now if (as we said) the whole question turns on the probability of the Ballot ensuring secrecy, and if experience and reasoning both go to prove that all probability is on the other side, then it would seem to a man of plain sense, that the position itself should be abandoned. The key-stone is gone, and so the whole fabric falls to the ground.

Consequently, we might at once go on and say, that as secrecy is out of the question, it follows that the Ballot will not prevent Intimidation or Bribery. For the advocates of the Ballot agree, that as long as the landlord can detect, so long can he intimidate, and they hold that the briber will cease to bribe, only when it becomes impossible to know in what way the bribed give their votes. However we will not take this advantage. For the moment, we will allow that the contrivances to ensure secrecy may succeed, and then see whether either Intimidation or Bribery will cease.

We say then that *even if secrecy be ensured, Intimidation will not cease.* It can still be exercised; not indeed exactly in the same way, but at most only one step removed. The Reviewer indeed says: the Ballot will put an end to canvassing,[63] and so of course to Intimidation. But will it put an end to canvassing? It did not do so in ancient

[63] p. 36.

times ;[64] it does not do so now. Canvassing is universal in the East India House Elections,[65] and in those for Clubs. So there is almost a moral certainty that the Ballot will not stop it in the Parliamentary Elections. " If then the voter has been canvassed, he has either stated how he should vote, or refused to give an answer. In the latter case, the landlord will set him down as suspected : in the former, it will depend on his way of answering. But the canvasser has other means than the mere answer, of examining the trustworthiness of the voters. They are known to entertain certain opinions, to associate with certain persons, to express themselves for or against the Candidates.[66] It will only be upon due sifting, by all such means, that the farmer can be expected to pass muster, and be suffered to give his vote. If he cannot be trusted, he will either be paired off with some known adversary, or at least required to keep at home. The argument for the Ballot all along presupposes two things:—the existence of power in the landlord over the tenant, and the disposition to use it oppres-

[64] See p. 6, 7, below.

[65] See Mr. C. Russell's speech, 1835. " Does the Ballot preclude the necessity of canvassing? unquestionably not: a canvass for a seat in the E. I. Direction is just as laborious and almost as expensive as a canvass for a seat in the House of Commons."

[66] Lord Nugent says (p. 55, of his Lordship's pamphlet): " Secret suffrage will rather encourage, than discountenance and check open and free discussion on the qualities of public men and public measures." So that the Ballot will make it still easier, than it is at present, to ascertain the general sentiments of the voters.

sively.[67] The farmer will therefore be forced to pair off or stay away, unless the landlord can make sure of his vote, and trust him in the dark."[68] Further—the Upper Classes are not the sole oppressors. The many can intimidate at least as much as the few. The violence of the mob is as bad as the tyranny of the rich. If the latter will ruin a voter on suspicion, the former assuredly will do so too. Against this, the Ballot can be no safeguard whatever. Again:—if the mob suspect that a voter intends to vote against the popular Candidate, they question him: if he declares his intention, they prevent him voting at all: if he gives no answer, silence is taken for assent, and the same result follows. It happens every election.[69] How will the Ballot prevent this? a voter may thus be ruined, for being supposed to have voted in a par-

[67] Mr. C. Buller, in the debate of 1835, confessed that "even after the Ballot, they must trust to the forbearance of the landlords."

[68] Ed. Rev. Jan. 1833, p. 553.

[69] See Lord Dalmeny's speech, June 23, 1836. "How will the Ballot prevent the intimidation that prevents a man from voting at all? This sort of intimidation is tantamount to a disfranchisement of the voter. In several elections I have had experience of the fact. For when electors have refused to announce which Candidates they preferred, the mob has compelled them to relinquish their vote."—This practice is not peculiar to modern times. At Rome, in the year 66 B.C. one of the Candidates for the Consulship was prevented by force from coming forward, and, in endeavouring to do so, had a friend wounded, and a servant killed. In the mean time the rival Candidates were elected. Dr. Arnold's Art. on C. J. Cæsar. Enc. Metr. p. 216.

ticular manner, when he may very probably have voted quite differently! But how is he to prove it? The Ballot is to ensure secrecy. And if it does ensure secrecy, then there can be no evidence but his own assertion. Will that be listened to?

Secrecy then or no secrecy, *the Ballot will not prevent Intimidation*. How will it affect *Bribery?*

"Bribery to pair off or to stay away, it is admitted, cannot be reached by the Ballot: but bribing actually to vote, it is contended, may."[70] This is their case. Let us, as before, first examine it by facts, and then, from these, learn how to deal with their conjectures.

We learn from Dr. Bowring, that "the Ballot was practised among the Greeks and Romans; and was one of their greatest political discoveries." Now is it not a little remarkable that at Athens—the only Greek state whose *political* relations are worth considering—the Ballot was not used at all in *political* matters?[71] Those officers of State, who were concerned in the administration of public business, were chosen, some of them by lot, some by open votes: and the most important of them all invariably in the latter way.[72] Even those, who had been elected by lot, were subjected to a sort of second election by open votes in order to have their ap-

[70] Ed. Rev. Jan. 1833. p. 557.

[71] Schömann *de Comitiis Athen.* p. 123. C. F. Hermann *Polit. Antiquities of Greece*, § 130.

[72] Wachsmuth *Histor. Antiquities of Greece*, vol. ii. § 57.

pointments confirmed.[73] The use of the Ballot was confined to the Law Courts.[74] The system of judicial procedure at Athens seems to have been rather singular. Six thousand citizens of above 30 years of age were annually chosen by lot to act as Jurymen. These 6000 seldom met at once: they were formed into 10 divisions; the complement of each being strictly 500: and with them the decision of every cause practically rested. After the time of Pericles these Jurymen received a fixed payment from the State, as a fee for each day's attendance.[75] After the cause had been argued, they gave their votes at once, without deliberation, by white or black, solid or perforated pebbles.[76] An equality of votes

[73] The *ἐπιχειροτονία*, Hermann *ut supra*. § 154.

[74] Except in one or two unimportant cases, Hermann *ut supr.* § 130—149.

[75] The pay of Pericles was very trifling: it was tripled by Cleon; and it is worth remarking, that the first alleged instance of bribery in the courts (by Anytus the accuser of Socrates, *v.* Aristot. Athen. Reipubl. Fragm. XI. ed. Neumann) must have occurred soon after the act of Cleon's, which doubtless very much increased the attendance of Jurymen, especially of those who looked to their own advantage, rather than justice.

[76] *ψῆφοι*:—hence strictly vote by Ballot was *ψηφίζεσθαι*, in opposition to the open vote, *χειροτονία*. Schömann *ut supr.* In the first edition of this pamphlet it was said, that the Athenians used beans as we do balloting balls. The Author has since found that this is an error: but he hopes it will be deemed a venial one, as (among very many others) so eminent a scholar as Mr. H. N. Coleridge has fallen into the same mistake. (See his Preface to Coleridge's Table Talk.)

was equivalent to an acquittal. From this decision there was, strictly speaking, no appeal.[77] Now it might be thought that under such a system as this, the Juries, though they might be incapable, would at all events be incorrupt: and the Advocates of the Ballot would say,—that 'as money for votes rendered in secret could have no effect whatever to secure the votes for which it was given, the man would have been mad who would have thrown it away in that manner.' Yet what was the fact? The notorious corruption of the courts is one of the most striking points in Athenian history. It was actually proverbial.[78] Statutes upon statutes were passed against it, enacting the severest penalties, even death itself.[79] Yet we find all the Athenian orators complaining of these statutes as utterly inefficient.[80] But Bribery was not the only mode of influencing the Juries. Intimidation was resorted to fully as much. Associations were formed, for the avowed object of overawing the Jurymen, and dictating to them their verdicts.[81] Yet all these known historical facts are irreconcileable with the very first principles of our philosophical opponents! Which are to be believed?

[77] Hermann *ut supr.* § 134, foll.

[78] Λύκου δέκας was a cant term for a knot of bribed Jurymen; its origin is doubtful, *v.* Meier and Schömann *Attischer Process.* p. 150.

[79] Demosth. p. 1135. 7.

[80] e. g. Demosth. l. c. Æschin. p. 12. 25. Isocr. 373. C.

[81] Dr. Arnold on Thucyd. 8. 54.

That a state of things, so ridiculous in theory, and so evil in practice, should have been suffered to continue, will seem less wonderful, when we recollect that these Jurymen, who voted by Ballot and took bribes, were the same persons who made the laws. The majority of those, in whom the legislative power was vested, were possessed of but little property,[82] and therefore seldom felt the ill consequence of a corrupt verdict in a case where much was at stake. Their gains were constant: their losses only contingent: and they were thus enabled to live in comparative idleness on the means that they got by the legalised plunder of the upper classes.

Let us now turn from Athens to Rome: from a small state, to a vast empire: and see the working of the Ballot on a large scale and in *political* transactions.[83] The subject is discussed in a dialogue be-

[82] "I sold sausages," says Agoracritus, in the Knights of Aristophanes, "but I got the best part of my livelihood by judging causes." v. 1239, 1255. "And if the Archon should not order the court to sit," says a boy, in the Wasps, "how are we to have victuals?"—"Alas," answers his father, "I fear we must go supperless."—v. 309.

[83] That the Ballot did not prevent *intimidation* in the Roman *Courts* any more than it did in the Athenian, may be learnt from Cic. Orat. p. Red. in Sen. § 19. Conf. Cic. in Cæc. Divin. § 23, 24, and Pseudo-Ascon. ad l., where one of the modes of Intimidation and Bribery commonly practised by Hortensius (who seems to have been a noted corrupter of Judges) is explained. Compare Milo's proceedings—Middleton's Cic. I. 368, 469, and those against him, 472.

tween M. Cicero, and his brother Quintus.[84] The latter gives the following summary of the Laws relating to it, and the characters of their respective authors. "There are four different laws on this subject. The first—the Gabinian law,—relating to the election of magistrates, was brought in by a low vulgar fellow. Two years after came Cassius' law in public trials: and Cassius was undoubtedly a man of good birth; but his family must not be angry if I add, that he was no favourite with good men, and one that would catch at any straw to gain popularity. Thirdly—the law of Carbo—on the passing of statutes. The author of that law was a profligate and seditious citizen, who could not, even when he left the bad, find shelter among the good. In one case only was open voting left us:—namely, in trials for murder; which was spared by a special provision in the law of Cassius. But here too the Ballot was brought in by Cœlius: an act that he lamented as long as he lived; confessing that he had injured the constitution merely to gratify his own hatred of C. Popilius."

It thus appears that, at Rome, the Ballot prevailed in every department of the state. And it is not a little interesting to watch the growth of corruption under a system that was meant to wither it to the roots. The Ballot was introduced B.C. 139,[85] In a period of 217 years *before* that time, only two

[84] Cic. de Leg. III. § 35, 36.

[85] See Adam's Rom. Ant. p. 85.

laws were passed against Bribery.[86] In the course of 87 years *after* its adoption, we find six additional laws with a constantly ascending scale of penalties annexed to the breach of them.[87] Yet so little did these laws avail, that we read in Cicero's time of the two Consuls Autronius and Sylla being deprived of the Consulship, fined, and declared incapable of holding any office, or of coming into the Senate, in consequence of having been judicially convicted of obtaining their offices by Bribery.[88]

But did the Ballot check canvassing at Rome? So far from it, that it seems to have been practised far more systematically than in our own country.[89]

[86] Lex Pætilia, B.C. 356, Lex Bœbia, B.C. 182. Ad. R. Ant. 104.

[87] Lex Cæcilia, between B. C. 98 and B. C. 60. Calpurnia, B. C. 67. Tullia, B. C. 63. Aufidia, B. C. 61. Licinia, B. C. 55. Pompeia, B. C. 52. Ad. R. Ant. p. 178 foll. The Lex Calpurnia, among other things, forbad the giving public dinners to the Electors. Cic. pro Murænâ § 67. By the Lex Tullia, banishment for ten years was added to the former penalties for Bribery: and it provided that no one should exhibit shows of gladiators for two years before he became Candidate for a public office. Cic. Orat. pro P. Sextio § 133. Orat. in P. Vat. § 37.

[88] Ad. R. Ant. 103. Comp. Ferg. R. Hist. sing. vol. ed. p. 217.

[89] See once for all the pamphlet of Q. Cicero, *de petitione Consulatûs:* containing advice to his brother Marcus on the best mode of canvassing for the Consulship. It is a complete institute of electioneering trickery. The writer recommends several months' dissimulation, till the art of moulding the whole man to the sentiments of the electors has been thoroughly learnt: he then gives rules for managing all the details of a canvass, both small and great: who were to be gained by flattery; who by feasting; who by promises; who by intimidation; and urges his brother to remember that falsehood, though odious in private life, was essential in canvassing.

The Candidates of those days had their electioneering Agents[90] and Attendants;[91] some of whom were to divide the money among the people;[92] which was done openly, though it was directly contrary to law; others were to bargain with the electors for their votes:[93] there were others again in whose hands the bribes were to be deposited;[94] associations too were formed, to aid in and expedite the canvass; till at length their proceedings became so grievous that they were forbidden by a positive enactment.[95]

It would seem then that at Rome the Ballot most assuredly did not destroy Bribery.[96] It will hereafter be shewn that it at length threw the whole power of the state into the hands of the mob.[97]

[90] Nomenclatores, Horat. Ep. I. 6. 50, note.

[91] Deductores, 2 Cic. de Pet. Cons. c. 9, or Sectatores, Cic. pro Mur. § 70.

[92] Divisores, Q. Cic. de Pet. Cons. c. 14. Ad. R. Ant. p. 79, Cic. pro Planc. § 47. So systematic had Bribery become at Rome, that once, when the Senate made a common purse to enable one of the Candidates for the Consulship to bribe as high as his competitors, even Cato saw no impropriety in such a course, (ne Catone quidem abnuente) Suet. J. Cæs. 19.

[93] Interpretes, Ernesti Clav. Cic. in voc.

[94] Sequestres, Ibid. [95] Lex Licinia. Ad. R. Ant. 190.

[96] Repecting Bribery at Rome in Judicial Proceedings, see Cic. ad Att. I. 16. Ibid. 18. 3. In Cæc. Div. § 23, 24, and Pseudo-Ascon. ad l. Dr. Arnold's Art. on C. J. Cæsar, Enc. Metr. p. 175. With reference to bribing the Senate—see Ibid. p. 214, in the case of Ptolemy, King of Egypt.

[97] See below, p. 97.

There was however one kind of Secrecy which it certainly did ensure; for it rendered it quite impossible to distinguish the opinions of the educated classes from those of the uneducated. It gave to all an equal value; and when the deadly mischief of making *numbers the sole test of Public opinion* became manifest, a law was passed[98] to compel the different classes of people in each tribe to vote separately, so that the sentiments of every rank might be known. This law is remarkable. It shows that the Ballot ensured that degree of secrecy which was confessedly pernicious to the state:[99] but it does not shew on the other hand that it at all ensured individual secrecy: and the pamphlet of Q. Cicero above referred to, proves beyond all doubt that the opinions of all the voters were known beforehand as well as possible.

When, therefore, Dr. Bowring tells us that the

[98] Lex Fusia, B. C. 62. Ad R. Ant. 185.

[99] Mr. Grote (June 23, 1836), said—"Now, Sir, perhaps it may be considered as unduly presumptuous, but I challenge any Gentleman to point out any one good consequence arising from publicity of votes at Parliamentary Elections." "Is then example nothing? It is everything. Example is the school of mankind, and they will learn at no other."—Burke's Works, 8, p. 197. Moreover, the Lex Fusia alone contains a complete answer to this challenge. Again—Open voting prevents all those evils that must result from secret voting. It has therefore both positive and negative advantages. And further—does Mr. Grote think that no good consequence can result from an election being revised, bad votes struck off, and a return, gained by Intimidation and Bribery, set aside?

Ballot was one of the greatest political discoveries of the Greeks and Romans, we must necessarily infer one of three things. Either he must think that the invention of a good recipe for national corruption betokens great political genius: or he must hold it a mark of statesmanlike wisdom to place the government in the hands of the mob: or, which is plainly inconceivable, the learned doctor hazarded the assertion without knowing much about the subject.

The foregoing account of the effects of the Ballot both at Athens and at Rome fully confirms the notion above expressed that candidates will bribe, even when the effect of the bribe is uncertain. It is a common principle of human nature; perhaps a common weakness; but still it does exist, and has ever operated whenever an opportunity has offered. The ancient practice of suitors in the French courts is exactly in point.[100] Both parties were accustomed to give presents to the Judges, although it was plain that one of the two must lose by it; and neither of them at the time of giving the present could tell which way judgment would be given. Similar instances have occurred in the English courts. In the list of charges against Lord Bacon, we find him accused of receiving presents from both parties in a suit, while the cause

[100] See an extract from Montesquieu in Montagu's life of Bacon, note ZZ.

was still pending.[101] And in other cases, where only one of the parties gave presents, it fell out strangely enough that the judgment was always given against him.[102] But not only do ancient and modern histories unite in exhibiting this common principle of human action, but contemporary history and the actual events of yesterday bear incontrovertible testimony to the present existence of the same habit. At the Ipswich Election in the year 1835, a voter received 20*l.* from one of the candidates, though both before and at the time of receiving the money, he declared openly, over and over again, that he should vote against him. Notwithstanding these protestations, the money was given: the elector accepted it; and then gave his vote against the party who had bribed him.[103]

If then, for about the space of 2230 years—from the time of Anytus, B.C. 400 and upwards,[104] to the time of George Cunnold, A.D. 1835—this principle has been found to operate, what grounds have we for thinking that in A.D. 1838, it will have quite worked itself out? The Honourable Member for

[101] See Montagu's Life, note ZZ. (Egerton *v.* Egerton. Holman *v.* Young. The Grocer's Company *v.* the Apothecaries' Company.)

[102] (Trevor *v.* Ascue. Sir R. Hurdsley's cause. Reynell *v.* Percival.) do. note, ZZ.

[103] See George Cunnold's evidence, p. 173, of the Report of the proceedings before the Ipswich Election Committee, April, 1835.

[104] See note 75.

London must see at once that such a notion would be extremely unphilosophical.

So much for the first and second positions of the Advocates of the Ballot. And as in defiance of all history, and all experience, they have hazarded two dogmas in favour of the Ballot, the author will be equally candid, and with the concurrence of all history, experience and authority, venture to say—I. *That the Ballot will not secure the independence of the Voter.* II. *That it will not diminish the expenses of the Candidate.*

The third position—" that it will elevate the moral condition of the upper as well as the lower classes of the community,"—is in truth already refuted by the foregoing reasoning. For if the Ballot will leave the voter as dependent as it found him, and will in all probability very much increase bribery, it does not seem clear how it is to purge the nation from that ingrained wickedness of which the bare thought throws a heavier gloom than usual over the pages of the Westminster Review, and suggests to my Lord Nugent's delicate fancy the horrors of a surgical operation.[105]

If the Ballot would do no moral harm, it would

[105] See his Lordship's Pamphlet, p. 4. " for want of some guards, as yet unapplied, for the protection of free voting, the provisions of the Reform Bill are exceedingly defective," * * " the deep narrow abscess has been laid wide; but the disease is still in the system. It presents a more extended and more rankling surface, and requires new remedies, appropriate to the new and increased action of the grievance."

be sufficient for the author's purpose, to show that it would do no good. But as it must from its very nature do a great deal of harm, it will be as well to look into this part of the subject a little more closely. Now nothing can be more certain, than that the Ballot will promote falsehood to an amazing extent. The following account of the matter is given us by an eminent living writer. "In what way can the Ballot protect, or rather in what way does it profess to protect the voter who dreads the displeasure of his landlord, his master, or his customer? Simply by enabling him to promise one way and vote another, without being found out. But suppose the new law were to prohibit all canvassing, so that no one should be called on to declare his sentiments—to promise or refuse; and suppose, what is plainly impossible, that it were effectually to prohibit all equivalent proceedings:—such as sounding voters by third parties, asking indirect questions, discussing political points bearing on the contest, and so forth:—and suppose the voter without ever having opened his lips upon the matter, or even made any sign by which his intention could be conjectured, gives his secret vote:—is the law further to seal the lips of all men, including the voter, at all moments, and in all companies after the election is over! This is manifestly impracticable; and if it were not, would be a tyranny, worse by a great deal, than any which can now be complained of. Then the voter's whole life must be

so adjusted as to deceive the person whose vengeance he has reason to dread. Having first deceived him that he might be allowed to vote, he must go on keeping up the deception, that he may not be punished for the double offence,—the disobedience, and the treachery. We really do not see how any man can doubt that such a life of deception would be the lot of the voter whom the Ballot had effectually protected: and still less can we comprehend how such a life would be led without utter ruin to the voter's honesty.† It is said, indeed, that slavish obedience ruins a man's character as much. But in what way is slavery fatal to virtue? Chiefly by eradicating all sense of honour, all love of truth. The great corrupter of the heart is that fear which is at once the bitterest and most debasing part of the slave's lot. But it works corruption and debasement, mainly by making falsehood familiar. If then the Ballot familiarises falsehood, it is as bad as oppression; but it is clear that the oppression we are treating of does not degrade like other tyranny:—it teaches no falsehood. A voter is compelled, not to vote according to his conscience, or even to vote contrary to his conscience. His lot is most hard; the conduct of his oppressor is execrable; no epithet is so bad that he has not amply earned it: but still his

† The Ballot may be defined—"a scheme to save a man's conscience by enabling him to tell a lie." And this is Mr. Grote's device to protect *honest* voters from intimidation!

dependant deceives no one in the vote he gives: he votes avowedly under compulsion. The public is injured no doubt: and by the Ballot this injury is avoided, for the real, though carefully concealed opinion of the voter is fairly represented. But this appears to be a good purchased too dear, when it can only be obtained by the habitual practice of deception on the voter's part."[106]

The Advocates of the Ballot attempt to meet this in two different ways. 1st. by arguments drawn from the Utilitarian code of morality—such as—"men are not entitled to the truth when they would make a bad use of it."[107] 2ndly. by asserting that if the Ballot causes false promises at first, it will in the end for that very reason prevent any promises being given at all: since when men find that promises are not to be relied on, they will no longer exact them. In other words, canvassing will cease.[108]

The latter of these arguments has been already examined. The former, being Dr. Paley's, is therefore entitled to consideration, though it would carry more weight with it, had it come from a philosopher whose system had been less generally found fault with. Perhaps there never was so sad an instance of unintentional mischief as is afforded by the moral philosophy of this eminent man.

[106] Ed. Rev., Jan. 1833. p. 559.

[107] West. Rev. p. 33. Lord Nugent's Pamphlet, p. 11.

[108] West. Rev. p. 35, 36.

His high character, great talents, and the beautiful clearness of his writings have secured them a welcome reception and an attentive study, while at the same time they have made the reader unwilling, perhaps unable to detect the poison they contain. It may be true that particular circumstances justify falsehood: a man may mislead a murderer, whom he knows to be in pursuit of his victim; a physician may deceive a patient in order to work his cure. In these cases neither the patient, nor the murderer are 'entitled to the truth.' Supposing now we go on to grant that an oppressive Landlord is not entitled to the truth—yet even then it must be remembered that the voter will not get the matter over by lying once to his master: he will have 'to adjust his whole life so as to deceive the person whose vengeance he has reason to dread.' He must have one set of politics for one company; and another for another: he must be *always ready to lie* when occasion requires it: he must have *a habit of deceit:* cunning and falsehood must be woven into his very being: unless this be so, he will be detected:[109] *therefore the Ballot, to be of any service, must breathe a lying spirit into the minds of those for whose protection it is expressly provided.*[110] Granting then that a voter may

[109] "It is not the lie that passeth through the mind, but the lie that sinketh and settleth in it that doth the hurt." Bacon's Essays, I.

[110] The advocates of the Ballot must be content to justify the most odious octrine with which the world was ever deluged, by a

justly deceive an oppressive master, the objection to the Ballot remains as strong as ever. For the opponents of the Ballot do not deprecate it on the ground of its injuring Landlords, &c. by enabling Tenants, &c. to deceive them;[111] but on quite different grounds:—namely, because it will induce tenants and others to practise systematic falsehood, till at length they will come to think truth an evil, and straightforwardness a fool's part. For what says the master Philosopher of this school? "*White lies* always introduce others of a darker complexion. I have seldom known any one who deserted truth in trifles that could be trusted in matters of importance. Nice distinctions are out of the question upon occasions which like those of speech return every hour. The habit therefore of lying, when once formed is easily extended to serve the designs of malice or interest: like all habits, it

corrupt and false philosophy—that "private vices are public benefits." See Mr. C. Russell's speech, 1835. Compare the sentiments of Heathen Morality, "Atqui in talibus rebus aliud utile interdum, aliud honestum videri solet. *Falso:* nam eadem utilitatis, quæ honestatis est regula. Qui hoc non perviderit, ab hoc nulla fraus aberit, nullum facinus; sic enim cogitans, ***Est istuc quidem honestum, verùm hoc expedit***, res a naturâ copulatas audebit errore divellere; qui fons est fraudium, maleficiorum, scelerum omnium." Cic. de Off. 3. c. 18. See Jer. Taylor, Serm. XXIII. on Christian Simplicity.

[111] Lord Nugent has chosen to assume that this is the moral objection to the Ballot; whereas it has little or nothing to do with it. (See his Lordship's pamphlet, p. 42.)

spreads indeed of itself."[112] This then is another instance of the un-English character of the Ballot. And no epithet can be more fitting: notwithstanding all the awkward ridicule and incongruous illustrations with which Lord Nugent seeks to assail it.[113]

The second of the above arguments rests on the assumption that under the Ballot canvassing would cease. It has been before shewn that there is every reason to expect the contrary. Again—the fact of one candidate, once finding that some promises are broken, will not deter other candidates from exacting promises at another time. For promises are broken under the present sytem at every election; yet promises are still exacted! How does the Reviewer explain this? Such curious contradictions does the selfish system of philosophy give birth to! It assumes that prudence is the essential property of human nature; and starting with this absurdity, it is forced to pile up one blunder upon another in order to keep up some decent outside of uniformity.

[112] Paley's Moral Phil. ed. 1824. p. 109.

[113] Lord Howick, who has unfortunately always argued the question in detail rather than on principle, said that he quite abandoned all considerations either of the moral influence of property, or of the un-English character of the Ballot! Hear on the other hand Lord Stanley—"My Noble Friend (Lord H.) said that he would throw overboard the arguments based upon the influence of property, and the un-English character of the Ballot. Now with deference to my Noble Friend, I will throw overboard neither the one nor the other." Debate 1835. see above p. 52, and Appendix D.

Having thus seen the moral effects of the Ballot on the lower classes of the community, let us now look to its influence on the upper classes. The Reviewer seems to think that it will only act morally on the former, but on the latter it is to have a religious as well as a moral operation. "Take away," he says, "from men of property the power of obtaining the suffrages of the people by improper means, and you may deem it certain that they will immediately apply themselves to the obtaining them by proper means . . . . . the moment it was seen that the people gave their suffrages only to those whom they regarded as best endowed with the qualities which fit men for the duties of legislation, the men of property would exert themselves to attain and display those qualities. They would then have a motive for their attainment, of which at present they are nearly destitute. . . . If the men of power and influence in the country, along with sufficient motives to take the utmost pains with their own intellect and morals, had the like motives to take the utmost pains with the intellects and morals of the people; to do whatever could be done for rendering their early education perfect; to take the utmost care of their morals through life, by a correct use of their approbation and disapprobation, as well as their power of giving and withholding good; to watch over the instruction given to them; to take them out of the hands of those who have an interest in

giving them wrong opinions, &c. &c., what delightful consequences would ensue! We should then have a community through which wisdom and virtue would be universally diffused, and of which the different classes would be knit together by the ties of mutual benefaction. In those circumstances the order and harmony of society would be perfect.[114] . . . . Nor is there in all this one Utopian idea.[115] . . . . The time is coming when it will obtain all the attention which it deserves; at present we believe it has little chance."[116]

Thus then the Reviewer thinks that at present there are no adequate motives to induce the upper classes to lead a life of purity and virtue: that Christianity is not only emphatically, but exclusively the religion of the poor: and that the Ballot is to be viewed, not as a mere political

[114] West. Rev. p. 36.

[115] "It may be remarked with respect to the greater part of the plans proposed by Utopian projectors, that they proceed on the supposition of a miraculous reformation in the moral character of a people, to be effected by some new system of education. All such plans, (as Mr Hume has justly observed,) may be safely abandoned as impracticable and visionary."—D. Stewart's Philosophy of the Human Mind, vol. i. p. 253.—Mr. Hume (whose political Philosophy is certainly not *less* profound than that of the Westminster Reviewer) introduced the Ballot into *his Utopian* Commonwealth, as being fitted for *an Utopian state of things*, and for that state only! See Essays. XVI. The Idea of a perfect Commonwealth.

[116] West. Rev. p. 39.—These four last words contain more truth than all the rest of the article.

machine, but as a grand moral and religious engine to supply the wants of the Christian dispensation. Bolingbroke has been thought fastidious for being dissatisfied with that model of perfection which the Founder of our Religion has afforded us: the noble sceptic longed to see the image of virtue upon earth, that he might have wherewithal to fill up the pure cravings of his intense and eager spirit.[117] How thrice happy would he have been could he have seen, with the Reviewer, the true method of attaining excellence, and learn the real motives on which rich men ought to act. Then would he have known that popular applause is to the rich man better than the approving voice of conscience, and that the House of Commons is the rich man's heaven!

We may now pass on from these *prophetic* arguments for the Ballot, to other three quite as singular, and not less sound. To the first of these the Reviewer seems to have an undisputed claim. It is drawn from *the theory of the Constitution*, and is as follows: "There is another important argument in favour of the Ballot. Nothing else can render the constitution of England conformable to the conception and expectations of its kings. When they, upon some great emergency, have recourse to a new, as a fitter instrument than an old Parliament, they declare that they have recourse to the sense of the people: meaning, of course, that the sense of their

[117] See the close of his Patriot King.

people is expressed in the choice of members of Parliament. They know not, it seems, that it is not the sense of their people which is so expressed, but the sense of a small number of suborners of voters."[118] This passage is perhaps the most amusing in the whole article, and is the best sample of the Reviewer's style and mode of argument. After devoting all his energies to pleading the cause of popular rights, after expressing his wishes and hopes that the duration of Parliaments may be shortened,[119] he then doubles back upon his old course, and, so far from insisting on the majesty of the people, declaims on the majesty of the Sovereign. And so unbounded is his loyalty, that he not only would invest Sovereignty with all the attributes that can belong to it, but would make the limits of the Royal conception, or the extrava-

[118] West. Rev., page 17.

[119] On this point the Republican Milton and the Radical Reviewer differ considerably. The former says, "I see not how we can be advantaged by successive and transitory Parliaments; but that they are much likelier continually to unsettle, rather than to settle, a free Government; to breed commotions, changes, novelties, and uncertainties; to bring neglect upon present affairs and opportunities, while all minds are in suspense with expectation of a new assembly, and the assembly for a good space taken up with the new-settling of itself. After which, if they find no great work to do, they will make it, by altering or repealing former acts, or making and multiplying new: that they may seem to see what their predecessors saw not—not to have assembled for nothing: till all law be lost in the multitude of clashing statutes."—*The Ready and Easy Way to establish a free Commonwealth*, 413.

gancies of the Royal fancy, the measure of the electoral body of the people of England! For if the Reviewer's argument means anything at all, it must mean that the principles of the constitution are ever to be sought for in the breast of the Monarch. If it does not mean this, what does it mean?

"Achitophel, each rank, degree, and age,
For various ends neglects not to engage;
The wise and rich for purse and counsel brought;
The fools and beggars for their number sought;
Who yet not only on the town depends,
For even in Court the faction had its friends."[120]

And it is not strange that it should. For we find that the Reviewer defines loyalty to be "an ardent desire of seeing placed as much as possible of other men's property at the disposal of the King."[121]

But still it is plain that the one thing needful with the Advocates of the Ballot is to bring the Sovereign into such close connection with the people, that there could be no further question where the sovereignty lay. Hence with this party the Ballot and Universal Suffrage always go hand in hand.[122] The discontented Butler in the Vicar

[120] Dryden's Abs. and Achitophel, 515.

[121] p. 12.

[122] It is interesting to compare the opinions of the 'man of the people,' half a century back, with those of 'the men of the people' of the present day. Mr. Fox said—"My objection to Universal Suffrage is not distrust of the decision of the majority, but because there is no practical mode of collecting such suffrage, and that by attempting it, what from the operation of hope on some, fear on others, and all the sinister means of influence that will so certainly be exerted,

of Wakefield held precisely the same opinions: when asked by the Vicar, whether he reverenced the King, he replied, 'Yes—when he does what we would have him; but if he goes on as he has done of late, I'll never trouble myself more with his matters. I say nothing. I think, only, I could have directed some things better. I don't think there has been a sufficient number of advisers. He should advise with every person willing to give him advice, and then we should have things done in another guess manner.'[123] Against the opinion of the Butler let us set that of Mr. Burke. "I believe," says this immortal man, "that most sober thinkers on this subject are rather of opinion that our fault is on the other side; and that it would be more in the spirit of our constitution, and more agreeable to the pattern of our best laws, by lessening the numbers to add to the weight and independency of our voters."[124] To be sure, Mr. Burke only

fewer individual opinions will be collected than by an appeal to a limited number." May 7, 1793. Again—"With respect to Universal Suffrage, I never had but one opinion on the subject, I have constantly and uniformly considered Universal Suffrage as a wild and ridiculous idea. When my noble relation, the Duke of Richmond, had one day taken pains to explain his ideas on this subject, a learned and ingenious friend said to him, with as much truth as wit, "My Lord, I think the best part of your Grace's plan is its utter impracticability."—May 17, 1794.

[123] p. 69.

[124] Works, ii. 135. Compare Milton's opinion.—Prose Works, iii. 417.

professes to agree with *sober* thinkers; now the Butler was *drunk*.

The next argument is drawn from *the practice of the Constitution*. It is Lord Nugent's. His Lordship having discharged repeated vollies of wit upon the term un-English,[125] as applied to the Ballot, moves forward to what he thinks a stronger position, and brings the heavy artillery of his constitutional learning to bear upon the same point. He says:—"I take my stand upon the principle of secret voting on Grand Juries, on the principle of secret voting on Petty Juries, and the principle of secret voting on Coroners' Juries: and I say that, so far from its being in conflict with the spirit and usage of English institutions, it is found to be inseparable from the most ancient, the purest and most important trusts known to the Constitution or to the Common Law; and that the principle of the Constitution and the Common Law in these trusts is, that the award of the collective body of trustees shall be declared, but not the individual suffrages of the members who compose it. I say, again, apply this to elections."[126]

Now first—it is rather curious that when twelve men after deliberating among themselves, and in secret,[127] on a question of facts, come forward in

[125] Those who wish to encounter them may turn to Appendix C.

[126] p. 36.

[127] Moreover their *deliberation* is not so uniformly secret. The Jurors deliberate openly in the jury box, as often as not.

public and declare openly that *they are all agreed*, that each and all of them think so and so—it does seem rather curious to hear it gravely stated that the individual opinions of these twelve men are quite secret! They all declare their opinions by their foreman, and yet no single one of their opinions is known! This can only be explained by supposing them to say what they do not think. Yet as his Lordship speaks in the character and with the authority of a juror, he would scarcely be willing to accept this alternative. However, as Grand Juries seem to be the department in which his Lordship's legal abilities are chiefly called forth, he is there enabled to discharge his duty with less fear of incurring the criminal's displeasure. For if any determined villain, after undergoing a brief imprisonment, should wish to wreak his vengeance upon the Grand Jury for finding a true bill, eleven of the Grand Jurors might always escape (if they could persuade their persecutor to believe them) by declaring that they voted in the minority. But if his Lordship happened to be the twelfth man, and wished (a thing plainly inconceivable) to give this dangerous querist an evasive answer, it would be impossible for him to do so; for he will already have been proved to be one of the obnoxious majority.[128] So awfully dangerous are even those offices that seem, at first sight, safe and peaceful.

[128] However as a Grand Jury may consist of only thirteen members, it may fall out some time or other that his Lordship will only have a single chance.

But next—if it is curious that his Lordship should have thought that the unanimous opinion of twelve men might mean that those twelve men all disagreed with each other, it is not less curious that he should have thought that any parallel at all could be drawn between jurors and electors. Lord Mansfield said that "nothing was more apt to confound than a simile;" and Lord Nugent seems to have verified the Chief Justice's remark, with this difference—that while the latter was thinking of confounding his opponent, Lord Nugent was content with confounding himself. The utter absence of any resemblance between the two cases is so striking, that it is perhaps needless to point out the following differences. A juror may be challenged; often, without cause assigned, always, if he is under any known bias of interest or ill-will. A voter cannot; for to hinder an elector from giving his vote is unconstitutional; moreover—a voter must be interested: for (so his Lordship tells us) "his vote is vested in him (mainly and primarily at least) for his own benefit."[129] A juror should not feel even the *moral* influence of property: the voter (as even the Advocates for the Ballot allow) should. But, indeed, the question is rather—wherein lies the resemblance between the two cases, than wherein are the differences? The only thing to be regretted is that his Lordship in order to make the parallel complete did not suggest some scheme for locking up

[129] p. 26.

the electors without fire or candle till they had unanimously elected their representatives—a plan that would lead to the two happy effects, of leaving no discontented minority of voters; and of making his Lordship's illustration in some measure intelligible.

So much for his Lordship's impregnable position!

We now turn from the Reviewer and Lord Nugent to meet once more a far abler opponent. That part of the argument drawn from the practice of Clubs, which relates to the question of secrecy, has been before adverted to.[130] The other half of it—namely, that the Ballot cannot be un-English, since it is daily practised in private associations;—and that it is a cruel hardship on the poor to debar them from those means of protection that are adopted daily by the rich—remains yet to be answered. If these arguments had not been urged by Mr. Grote,[131] they might have been passed over without notice: but such weapons must not be left in the hands of such an opponent. The wonder is that he should have ever thought of using them. *First* then—the Ballot will be dishonourable and un-English in Parliamentary elections, though it be not so in Clubs. For the Parliamentary franchise is a trust: the right of voting at Clubs is not. The members of Clubs are irresponsible; *stat pro ratione voluntas* is the principle on which Club society is based. All agree to act on this maxim; therefore its appli-

[130] See above, p. 37. [131] Debate of June 2, 1835.

cation can neither injure nor deceive any one. With the electors on the contrary, responsibility to the public at large, obligations of duty, to be honestly, calmly, and wisely performed, are the very stuff and substance of which their office is composed. To execute a trust so covertly, that the mode of execution is quite unknown, whether it be done well or whether it be done ill, is quite at variance with the spirit of the British constitution, of the common law, and of the whole system of legal equity: however contrary this doctrine may be to the legal experience of Lord Nugent. The Ballot, therefore, is in this sense un-English. When men agree to act on whim or caprice, it would be contrary to the agreement to exact a reason for their actions; and this is the system at Clubs. But when the social contract, or constitution (which is the same thing as far as concerns the present question), throws upon men a public duty, all who can be affected by the discharge of that duty, have a right to know how it has been performed. *The Representatives*[132] have a right to know the individual sentiments of their constituents. They have a right to know whether the balance of wealth, education and talent, is with them or against them; and they have a right to know who the minority of their constituents are, and of what materials they are composed, for, be it remembered, the minority, who vote against them, are their constituents as

[132] See Mr. M. Gaskell's Speech, June 2, 1835.

much as the majority who return them. Further, *the public at large* have a right to know the sentiments of the wiser, richer, and more respectable portion of the community. Such knowledge is essential to the well-being of a state. The ancient Romans, the modern Americans, have felt and acknowledged this simple but important truth. Further still—those members of the community, whom the constitution has not entrusted with direct power, but has left (as yet at least) in the enjoyment of influence and persuasion—for instance, *the gentler sex and the poor*—all these have a right to know the opinion of those to whom they are forced to look for protection, advice and support. If the Ballot prevents this, it is not only un-English, and dishonourable and impolitic, but it is also unjust.

Secondly:—as to the hardship of depriving the poor of those means of protection, which the rich every day make use of:—There is here a complete misconception of the whole theory of the Club system. The truth of the matter is, that balloting at Clubs is not for the sake of protecting the voter; for he plainly needs no protection whatever. But it is one of the numberless contrivances that have been devised from time to time to make the wheels of social life run smooth and noiseless, and to lessen the friction of the different parts of the machine. If open voting were substituted at Clubs instead of the Ballot, in the end, just as many candidates would succeed, and just as many be rejected; for

though, at first, there would be a general unwillingness to wound the feelings of the friends of the candidate, by an open expression of dislike or disapprobation, it would soon be found necessary to relax something of this overstrained delicacy, in order to check those who might be inclined to avail themselves of it unfairly. Thus though individuals continued to act exactly as they did before, the general tone of society would be materially altered. It would have less ease, less flow, and less harmony. Since then balloting at Clubs is not for the protection of individuals, but for the comfort of society at large, as an argument for Parliamentary Balloting it is utterly worthless.

But say Lord Nugent[133] and Mr. Leader[134] —the franchise is not a trust! 'the only responsibility which attaches to the electors, is the responsibility to their own conscience for an upright discharge of their several duties!' Therefore we must infer that the former of the above arguments is a bad one. But then we shall fall out with the Reviewer. For he says, '*the electors are trustees for the community to which they belong*; and in a trust, importing the greatest good or evil to the vast majority

[133] See his Lordship's pamphlet, p. 25. Lord Nugent seems to have jumbled together metaphysics and law, till mere common sense has fled away in alarm. The notion of the responsibility of the enfranchised to the un-enfranchised part of the community, which his Lordship so much ridicules, is quite correct, but only involves at the most a third portion of the real amount of the voter's responsibility.

[134] Debate of June 23, 1836.

of their countrymen. *Can there be a more sacred obligation?* Is there anything in any conceivable act of treachery to render it odious, which is not to be found in the unfaithful discharge of this *trust?*'[135] Perhaps it will be wise to leave this matter as it stands, and let our opponents thus tumble over one another in the dark mazes of their own metaphysics.[136]

II.—*We now come to consider the negative arguments for the Ballot.*—These have been in part answered in the foregoing pages: the answer will be made complete by a brief statement of the political effects that the Ballot seems likely to produce.[137] These may be viewed—*first, with reference to individuals: secondly, with reference to the community.*

First,—as to Individuals. It has been before shown that the Ballot, if it is to ensure secrecy, must promote falsehood on the part of the voters, whom it is to protect. Thus then it tends strongly to make the lower orders dishonest. Again, if they

[135] West. Rev. p. 9.

[136] The impartial reader will find this question settled in Burke's Reflections, p. 177, 8, 9. Compare the Appeal from the New to the Old Whigs, vi. 201, 2. If it is not a trust but a right, why may it not be the subject of bargain and sale? and if so, how can buying votes be Bribery?—See Mr. S. Herbert's Speech, Feb. 15, 1838.

[137] As to the modest proposal of the Advocates of the Ballot, that it should be tried, in defiance of all objections, by way of experiment, merely to gratify their metaphysical whimsies, it is too ridiculous to be further noticed.

keep the secret close from all those most dear to them, the Ballot will cut off one whole set of the most valuable moral relations :[128] by rendering men not only independent of, but actually suspicious of each other, it will break up society into units, and sow schism and terror through the whole length and breadth of the land. Individual voters are likely to become dishonest, suspicious, and discontented.

What effect is it likely to produce on Candidates? Candidates, generally speaking, fall under the two classes of rich and poor, each of whom use different means of gaining the ends they have in view. The former trust to the inert influence of wealth and family connexions, and that passive strength that accompanies the possession of property: the latter rely on their own energy and enthusiasm, on stirring eloquence, on the fearless avowal of extreme principles, and on that fascinating power which daring and determined spirits can always exert over minds of a less hardy character. Now the Ballot, supposing it to ensure secrecy, will naturally tend to exaggerate bribery on the part of the wealthy, by rendering it necessary to bribe wholesale.[129] It will,

[128] See Burke's Works, 3, p. 197. "The only method which has ever been found effectual to preserve any man against the corruption of nature and example, is an habit of life and *communication of counsels* with the most virtuous and public-spirited men of the age you live in. Such a society cannot be kept without advantage or deserted without shame."

[129] As was the case at Rome; and the same example shews how

at the same time, force the poorer candidates to redouble their efforts, in order to meet the increased force of their rivals. The man, who is now content with moderate Radicalism, will then dye his opinions a few shades deeper. If he deludes the people on only one subject now, he will delude them on several then. The man, who borders on extreme Radicalism now, will at once pass the Rubicon. He who is now supposed to be a thorough Radical, will then find out some new horizon of political liberty on which to rest his gaze. In short, new popular delusions will be discovered, new tricks practised, and more political mountebanks will come on the stage to show them off. All these latter arts of electioneering are, strictly speaking, acts of bribery, as much as the former, though of a somewhat different kind. The former is *pecuniary* bribery, and is addressed to the lower part of man's nature; the latter is *intellectual* bribery, and is addressed to the higher. Pecuniary

impossible it is to meet such bribery by law. See above, note 88. Moreover, if at present a candidate is willing to spend (say) £2000. for *a chance*—under the Ballot, supposing an arrangement made that he is not to pay unless he is elected, he will of course have to give, and be willing too to give more: because he will then pay for *a certainty*. "It sometimes happens that there are essential circumstances in the actual state of a government, about which the constitutional laws are not only silent, but which are directly contrary to all the written laws, and to the spirit of the constitution, as delivered by theoretical writers."—D. Stewart's Philosophy of the Human Mind, vol. i. 243.

bribery derives its power from corrupting the morals:—intellectual bribery from perverting the understanding. If the tendency of the Ballot, (supposing it to ensure secrecy) is democratical, (and it will shortly be seen that it assuredly is so,) it will give increased means of influence to the poorer class of candidates, and will render their weapons more effective and more dangerous. Now of the two kinds of bribery, the latter, as well in its nature, as in its effects, is infinitely the worst. It is worst—first, in its nature: because intellectual bribes must always fall in with the current of general or local opinion for the time being; and therefore are in reality nothing more than a skilful flattering of the prejudices and passions of the electors, without regard to the true interests either of the persons themselves, or of the nation at large; whereas pecuniary bribes must always be opposed both to private feeling and public opinion.

Moreover, there is this enormous evil attending intellectual bribes, which doos not attach to pecuniary. Men are thereby bribed through their virtues. The noblest and most generous natures are corrupted as easily (if not more so) as those of a less ingenuous character. Honest and liberal minds suspect no meanness or artifice in others, from being incapable of such practices themselves. When the virtues are thus enlisted on the side of dishonesty, Reason has no weapons left to use; and the most fearful curse that ever was pronounced—

"I will curse your blessings," is literally fulfilled. Hence it is that we often see men of the highest and purest characters speaking and acting in public on apparently the same principles with characters directly the reverse. Intellectual bribes corrupt the highest as well as the lowest classes: they influence alike the rich and the poor; and they differ from pecuniary bribes in this very material point, that they may be approved by the conscience, while the latter are sure to be condemned by it.

Secondly—as to the effects of this Intellectual Corruption. Money Bribes injure the morals, and debase the whole character of those who are concerned with them. But these are comparatively few. Intellectual Bribes have an all-pervading, social influence, and a far wider range of operation. Their effects may be gathered from their nature. They have of course a direct tendency to diminish the amount of that deliberate reason that is so needful to the welfare of a state. Government becomes more a matter of will, and less a consideration of prudence.

Such (it seems) if secrecy be ensured, will be the political effects of the Ballot on individuals. *Next, how will it affect the relations of the Community?*

Now, if it is to make the lower classes *less* dependent on the upper, it will increase the popular power. If it makes them *more* dependent, it will increase the aristocratical power. Probably,

though this sounds paradoxical, probably it will have both these effects. For it will make the lower classes more independent of the opinions and sentiments, and moral influence of the upper classes; it will at the same time make them more dependent on the rich, through the increased amount, and wider range of Bribery. In proportion as it increases their independence, it will increase their desire of rule, and their contempt of authority. And as they will continue to receive bribes as long as there are rich men to give them, they will gradually become more and more venal and profligate, till matters at length come to a crisis, and by the general laws that seem to regulate the movements of political bodies, the Holders of Property will be forced to give place to the Rulers of the Mob. Such were the effects of the Ballot at Rome.[140] It increased Bribery in spite of repeated laws against it, and with it the influence of the rich. Yet it ended by giving the mob just enough licence to enable them to yield up the state into the hands of a Military Despot.

The account of the matter seems to be shortly this. The richer class of the community trusting to their riches, come in time to think gold all sufficient; and utterly forget that some industry, and some watchfulness are needed to preserve that gold in which they think their strength lies. They be-

[140] Cic. de Leg. III. c. 15. See above p. 68, and Burke's Works, x. 83. Compare Hume's Essays, 3. p. 14.

come careless and easy; given to selfish indulgence and languid indifference: they think nothing can go wrong so long as their rents are paid, and the funds keep pretty steady: and slumber and slumber on, while their adversaries—needy, reckless, enterprising, energetic—are working, by day and by night, in season and out of season, by force and by fraud, by stirring eloquence and strong delusion, to carry out their schemes of political agitation, and build up their own power on the ruins of the Constitution.

This craven and slothful spirit shews itself alike in nations and in individuals; and works the same effects in both. The Romans tried to bribe away the barbarians of the North, and were ruined by the very means which they trusted to for help. The Saxons tried to buy off their Danish invaders, but instead thereof, they bought a few trembling wretched years of doubtful and troubled peace, and with them the certainty of coming slavery. And just in the same way, will the upper classes of this country, should the Ballot be adopted and secrecy be ensured, gain a brief ascendancy through the power of money; but the tide must soon turn; and then will be seen the utter helplessness of wealth and rank, and birth and graceful manners, and easy refinement, when engaged in conflict with a stern, unbending, determined democracy.

On the whole then it seems probable, that, if the Ballot were to ensure secrecy, the moderate party

might gain an increase of strength for a few years, if they chose to try the powers of gold to the utmost; but that their opponents would carry every thing before them, sooner or later, by the mere force of constant energetic action.

If then the Ballot is thus to affect individuals and the community, how can it be said that it will produce no evils proportionate to those it will remove?

But here is another very serious evil that seems to be a necessary result of the Ballot, supposing it to be so managed as to ensure secrecy: an evil which is too important to be passed over; though as it is perhaps rather a matter of detail than of principle, it does not strictly come within the scope of the author's plan.

This is, *the difficulty, not to say impossibility, of settling disputed Elections.* For suppose a case. A Candidate is defeated. He suspects that he has been defeated by a majority of fictitious votes, accordingly a petition demanding a scrutiny is presented: and here be it remembered, that about 16 petitions out of 25 are preferred on this ground alone. Now how is this scrutiny to be carried on? It may be that the Committee appointed for the purpose, will first examine the Poll-books, and see that the lists there entered correspond with the Register. They may next inquire whether the Register itself is correct. Now suppose that the Committee, from one or both of these sources, find that there really is a number of fictitious votes,

equal to or greater than the majority for the sitting member. What is to be done? They must (it seems) do one of two things:—either they must send for each and all of the true voters (as then ascertained), and ask them on their oath how they voted,—and then where is the secrecy?—or they must order a new Election by Ballot, *without the certainty* that the sitting member has been unduly elected—and then where is the justice? Surely this is a great evil.

III. We may here take leave of the negative arguments for the Ballot. Need any reply be made to *those for its immediate adoption?* It may, however, be as well to add a few words about *the increased demand* that is made for it.[141] If it be true that the demand has increased, the simple fact is an illustration and a proof of what has been just stated about the different modes in which the Constitutionalists and their opponents work out their political schemes. If the demand has increased—is it not just what might have been expected from the headlong enthusiasm of its supporters, and the incredible timidity of some of its opponents. Mr. Fox used to compare Mr. Pitt's oratory to the cheer of an officer leading his men up to a breach; and who that has ever read any of Mr. Pitt's speeches, badly reported as they are, does not feel the force of the comparison. But can we find a like vigour and steady determination in the speeches of Lord

[141] See Appendix D.

John Russell, Lord Howick,[142] and Mr. Spring Rice? They denounce the Ballot as an unmixed evil, but declare their willingness to adopt it, if other means fail! Is not this rather the language of the besieged, protesting that they would sooner die than surrender, but humbly adding that they thought they could not hold out much longer, because their provisions would be all gone by the day after to-morrow?

Further: if the demand for the Ballot has in-

[142] The following argument of Lord Howick's deserves great attention. "I object to the Ballot because I contend that it does not secure to the electors what I contend they have a right to. Who is there that has seen a popular election, and who knows the manner in which the contests in this country are carried on, and yet is unaware that the vote of an independent elector is looked up to in his neighbourhood; and that the countenance of a respectable farmer is frequently of more value to a popular candidate than the mere amount of his vote. Why then, I ask, should we exclude the tenantry of this country from the privilege of using all their political rights? I claim for them the privilege of openly professing their vote, and of using all the means in their power of furthering their own political views."—Debate of 1835. If then secrecy be compulsory (which is impracticable) the Ballot will be grossly unjust: if it be not compulsory, the Ballot will be utterly nugatory as a remedy, and produce tenfold greater evils than it even professes to remove. Compare Middleton's Cic. I. 476.—"Of one and fifty judges, who sat upon Milo, thirteen only acquitted, and thirty-eight condemned him: the votes were usually given by ballot: *but Cato, who absolved him, chose to give his vote openly;* 'and, if he had done it earlier,' says Velleius, '*would have drawn others after him;* since all were convinced, that he who was killed, was of all who had ever lived, the most pernicious enemy to his country.'"

creased—it is because the evil for which it is suggested as a cure, has not perhaps increased likewise: but certainly has not diminished: Because the rich have continued to abuse their riches; and the great their influence; and the mob their power; and a crowd of restless, meddling, mischievous busy bodies of all professions and all parties have too often, and too successfully combined to corrupt and oppress and exasperate the poor. Is it then to be wondered at, that honest men, sickened to death by such sights, and incapable even of thinking of them coolly and calmly, should be willing to try any quack remedy in hard times? Reckless men are bad judges between conflicting evils: any change seems a relief: and though a little calm thought would shew the change to be an evil ten thousand times as insufferable as that for which it is substituted, yet in that change will an irritated and oppressed spirit seek for rest—for "oppression makes wise men mad:" and—

"It is the Time's plague when mad men lead the blind."

How this evil contest between wealth and poverty—power and dependence—a spirit of contentment with things as they are, and a hungry longing for things that are not—is likely to end, the author leaves it to wiser men than himself to foretell.—But that the Ballot will not stay the disorder—and further, that it will bring in a host of ills, far worse, and far less curable, than those which it professes to remedy—seems from the united testimony of

Philosophers, Statesmen, and Historians [143] to be quite beyond a doubt. May we not then hope with the philosophic historian of England, that "such will be the force of time and evidence, that they will at length prevail even over faction." [144]

The author does not expect that the foregoing arguments will have the smallest effect upon any one of those persons, who already advocate the Ballot. For who can hope to work by reason upon minds that have been made up in defiance of reason? Those of our opponents, who are not dupes themselves, are willing to dupe others: and any hope of converting either class must of course be quite visionary. But the prevailing epidemic may perhaps be checked, when men of sound common sense see the chief arguments on both sides of the question fairly arrayed against each other; and it may then be more difficult to ensnare them by logical fallacies, or delude them by fictitious examples from history: and possibly not even the Honourable Member for London himself, formidable as he is from his high character and great abilities, more formidable still from his tone and temper as an Advocate, will be able any longer to persuade people that this unmanageable paradox, which is his hobby at present, can ever be tamed down into a safe serviceable truth. But if he should succeed—if the clear light of common sense should at length be abandoned for the faint glim-

[143] See Appendix E. [144] Hume, Hist. I. 502.

merings of spurious metaphysics, then may we exclaim with Shakspeare

"————Miserable England!
I prophecy the fearful'st time to thee,
That ever wretched age hath looked upon."

Since the first edition of this pamphlet was published, the question of the Ballot has been for a fifth time discussed in the House of Commons. The *numbers* in its favour have again *increased*, though the *reasonings* in its favour have again *diminished!* For no new arguments were brought forward, and those which had been drawn from *every day practice* were completely abandoned.

An attempt was made by Mr. C. Buller in default of Dr. Bowring, to revive some of the historical arguments that had once been pressed into the service. However, we were no longer referred to Athens, or Rome, or modern Italy, or Spain, or Portugal, or Belgium:—all these posts were abandoned too! But we were told to look to 'moral and enlightened Switzerland'—to 'moral and enlightened America'—and the Honourable Gentleman had half uttered '*moral* and enlightened France,' (!) when a burst of laughter from all sides of the House forced him to omit all mention of French *morality*, and to content himself with holding up for English imitation the public manners

and public conduct of a nation whose private character he himself joined in condemning![145]

Now, *As to America.* Mr. C. Buller did not attempt to show that in that country the Ballot *ensured secrecy.* He merely said that it was *esteemed:* which it has already been shown[146] has nothing to do with the question. *As to France,* it need only be said that though Mr. C. Buller is satisfied with the working of the Ballot in that country, the French are not.[147] If then Mr. C. Buller differs in opinion with the Americans and the French about matters of fact, which must be better known to them than they can be to him, may it not chance to fall out that the Swiss also, if they were asked, would disagree with him about the practical

[145] Compare Lord Brougham's speech,—(Times Newspaper, Feb. 24, 1838.)—"He entirely agreed with his Noble Friend (Lord Melbourne) that *it would be most unsafe to adopt the principle, because it had been tried in other countries, without most anxiously considering and marking the peculiar circumstances connected with those countries.* To talk of transplanting such a system from one country to another without that previous investigation and scrutiny was futile. *Nothing could be more unsafe than to transfer the institutions of one country to another without carefully investigating every part of the question.* It did not follow because the Ballot succeeded well in another country that it should be tried here. *It must stand upon other grounds. He believed that those who were friendly to it did not rest their argument upon that point.*"

[146] See p. 21. Appendix A, will enable the reader to estimate the morality of America, as well as the success of the Ballot in elections.

[147] See Appendix B.

result of their own institutions? For if the Ballot ensures secrecy in Switzerland, it is the only country in the world in which it does so. Is this likely?[148]

Sir Robert Peel said, that *in France* the Government was constantly suspected of tampering with the Ballot boxes. Mr. C. Buller defied him to prove this. But if historical analogy is worth anything (and the Advocates of the Ballot, and Mr. C. Buller especially, by the pains they take to force some historical a nalogies over to their side, plainly think it is so) why then—Sir Robert Peel is probably right, and Mr. C. Buller is probably wrong. For what was the case in the Ionian Islands under the government of Capo d'Istrias? The Government was

[148] To what extent the Ballot prevails in Switzerland the Author does not profess to know. But as some of the States are democratical (Zurich, Basle, Schaffhouse, Uri, Schwytz, Glaris, Valais), some aristocratical (Berne, Fribourg, Soleure), some monarchical (Neuchatel), some a mixture of the three (St. Gall, Argovie, Thurgovie, Geneve), and some republican (Vaud),—the fact of the Ballot prevailing in them all (if such be the case) may prove that they all see some advantage in it, but this advantage, whatever it may be, must in such case be shared by all alike. Therefore it cannot be the prevention of influence: for then the aristocratical and monarchical Cantons would not have adopted it. If, on the other hand, it only prevails in the democratical Cantons, this would prove it to be a democratical measure, and therefore unsuited to this country. So in whichever way it be taken, it places the Honourable Member for Liskeard in this dilemma:—The Ballot is either a step further in democracy:——or, it is of no importance at all!—(See Schoch Tableau Statique de la Suisse.)

not only suspected of tampering with the Ballot boxes, but it is a known fact, that they *actually did so*.[149] And though after the abolition of the Ballot, the evils that *accidentally* attach to open voting took the place of those that *necessarily* attach to the Ballot, what does this prove--that the Ballot has no evils? No. It only shows that each system has its evils, and so leaves the matter exactly where it found it.

Mr. L. Bulwer said, that one of the first acts of the thirty tyrants at Athens, was to substitute open voting for the Ballot: seeming to imply that they had entirely altered the *political* constitution. But all we *know* is this: that *in two cases of state trials* the prisoners were subjected to a mock trial before courts composed of the Tyrants' retainers; and in each of the two cases the votes were laid on tables in the presence of the Thirty, instead of being put into urns.[150] The truths to be learned thence, are these. That Tyrants pre-

[149] "Under Capo d'Istrias when the provisional government existed and the court made a show of free elections, it is well known that the Πρύτανοι (or chiefs of each local government) were ordered to unseal secretly, at night, the urns into which the votes had been put during the day, and remove the white beans into the urn bearing the names of the Government Candidates, re-sealing the urn! The fact is well known: those who did it avow it openly. I mention it to show how cautiously the Ballot should be regulated."—*Napier's Colonies*, p. 358.

[150] The first case alluded to will be found in Lysias contr. Agorat. p. 133, 5 foll., the second in Xenophon Hellen. 2. 4, 9.

fer direct persecution to indirect: i. e. that it is less troublesome and more satisfactory to an oppressor to be able on clear evidence to punish his victim *at once*, than to have to detect him by the slower and less certain process of the Spy system. And this is obvious. But it proves nothing in favour of the *Political* Ballot in this Country. The object of the Thirty was to get the unanimous assent of their followers to a specific act of horrible cruelty, and thus to involve them all in the same guilt as themselves. To gain this end they made them vote openly, and had an armed force ready at hand to compel their obedience. The great object in view was *a unanimous vote given at a particular conjuncture.* But does this prove Lord Brougham to be wrong in thinking that the Ballot in England will produce the Spy system, and that under the Spy system the voter will be detected: —or, that a man will not be punished for being known to hold opinions opposed to those of his Landlord before an Election, when he is found to hold the same opinions after the Election?

But the same Author that furnished Mr. Bulwer with one of the instances on which his statement is founded supplies another which is perhaps more to the purpose.[151] At the famous trial of the eight Generals after the battle of Arginusæ, the majority of the Assembly, voting according to constitutional

[151] Xen. Hellen. 1. 7, 7.

forms by show of hands,[152] were *on the eve of acquitting them.* But the day was far spent, and on a pretence that it was too dark to count the number of hands, the proceedings were adjourned to a future day. The faction opposed to the Generals, employed the intervening time in devising the best mode of procuring their condemnation; and they contrived (against the principles and practice of the constitution)[153] that judgment should be given upon all the Generals by a single vote, *which vote was no longer to be by show of hands, but by secret Ballot.* Then as these demagogues had spared no pains to stir up popular fury against the accused, when the trial again came on, and the votes were taken by Ballot, *the eight Generals were all sentenced to death,* and six of them (the other two having been condemned while absent), *were executed!*[154] Can there be a more complete verification of Sir Robert Peel's very philosophical remark, that "*under the Ballot, the multitude in times of excitement might be easier misled by the arts of designing men than under the present system of open voting?*" For we are told by the Historian that "the Athenians shortly after repented of the deed: and passed a decree that those

[152] See Herm. Pol. Ant. of Greece, § 130.

[153] They were nearly thwarted by the opposition of the Prytanes, who refused to put "an illegal question" to the vote. However, all these officers were at length overawed—"except Socrates the son of Sophroniscus; bnt this man said that he would do nothing except according to the laws."—Xen. Hell. l. 7, 15.

[154] Xen. Hellen. l. cit. § 24.

Demagogues who had thus ensnared them into guilt should be tried for high treason. During a tumult some escaped. And when the chief of them returned to the city after the prosecution had been dropped, he was held in such universal abhorrence, that unable to get food from any one, he actually died of starvation!" The Advocates of the Ballot may perhaps learn from this narrative *the political value of public shame.*[155]

Mr. L. Bulwer also said that Aristotle has declared it to be impossible to secure independent voting without the Ballot. Now though the Author will not presume to assert that Mr. Bulwer is positively incorrect, yet he will venture to say that such an opinion is not to be found in the Ethics or the Rhetoric, or the Politics of Aristotle. And on the authority of several persons of greater learning than himself he is very much inclined to doubt whether such an opinion is to be found in any other treatise of that Philosopher. But as of course Mr. Bulwer has not intentionally made an unfounded statement, there remains the possible alternative that he has made a mistake. It is usual in the House of Commons to talk of *balloting* for Election Committees, where it would be more proper to say *drawing lots* for them; a method as distinct from Balloting as *chance* is from *choice*. So it is just possible that Mr. Bulwer, filled with the spirit of the place, may have also confounded *Lot* with *Bal-*

[155] Compare note 138.

lot in the writings of Aristotle. And (if this be his mistake !) then certainly a passage in the Politics may be found to serve his turn :[156]—only he must have translated or rather transmuted—"*Election by Lot is necessary for Democracy*," (a fact quite immaterial to Mr. Bulwer's case) into "*Election by Ballot is necessary for Independence*," (a statement, which, if true, is of very great importance).[157]

Meanwhile though we must leave the dictum of Aristotle in some measure uncertain, it is satisfactory to refer to the undoubted opinion of another, and perhaps a greater Philosopher, the Master of Aristotle himself. "In a city," says Plato,[158] "where worthless and voiceless courts of justice, thievishly concealing their own opinions decide the causes clandestinely, there a heavy calamity falls upon the whole state."

The Authority of these great names has weight with some reasoners, though not with all. To the Honourable Member for London their support or

[156] Lib. 6. 2, 820. where Aristotle ranks among the Political elements essential to a democracy—*τὸ αἱρεῖσθαι τὰς ἀρχὰς πάντας ἐκ πάντων, τὸ ἄρχειν πάντας μὲν ἑκάστου ἕκαστον δ' ἐν μέρει πάντων, τὸ κληρωτὰς εἶναι τὰς ἀρχὰς ἢ πάσας ἢ ὅσαι μὴ ἐμπειρίας δέονται καὶ τέχνης* κ. τ. λ. and further on—*ἐὰν δέ τις καταλειφθῇ ἐξ ἀρχαίας μεταβολῆς, τότε περιαιρεῖσθαι τὴν δύναμιν αὐτῆς καὶ ἐξ αἱρετῶν κληρωτοὺς ποιεῖν* * * * * * *οὕτω γὰρ ἂν ὑπάρχειν νομίζοιεν τήν τ' ἰσότητα τῇ πολιτείᾳ καὶ τὴν ἐλευθερίαν.*

[157] This assertion is supported at length in Appendix F.

[158] Legg. ix. p. 876. B. This passage first met the Author's eye in the columns of the Times newspaper.

opposition is quite indifferent. For while some of his party make a show of resting their case on the safe ground of history, he, well aware of the impossibility of so doing, soars with unruffled calmness into the misty heights of metaphysics. Quoting no history, relying on no precedents, scorning all matters of fact, he boldly lays the foundation of practical government on a philosophical basis that all the best philosophers have pronounced unsound! Can it be wondered that from the combination of two such elements as misquoted History and mistaken Philosophy a result should come out, such as the Ballot?

American Ballot - v. a letter in the Democ Jan. 1839 - from the "Genesee Farmer" himself a democrat - pleading about the ballot - no secrecy - not even "Esteemed" Virginia, one of the most populous states has discarded it - popular elections -

APPENDIX.

A.

The Author has said that Mr. Grote thinks but meanly of matters of fact, as the foundation or aids of legislation. His reasons for saying so are these. It is now six years since Mr. Grote made his first motion on the Ballot. Whether or no he then had means of procuring certain information on the working of the Ballot in America, the Author will not say. But that previously to any of his subsequent motions, he might have gained the most full, satisfactory, and irrefutable evidence that there the Ballot does not work well, the Author boldly asserts, and now produces his proofs.

In the New York Commercial Advertiser, taken in regularly at the North American Coffee House, the Author found the annexed account of an election that took place at New York, in April, 1834. The result of which is, that in the first city of the Western World, under the Ballot, there was for the space of three days, more brutality, and ferocious violence, than is ever witnessed in the most brutal and most riotous election for the most unquiet borough in Ireland, under the system of open voting. Yet, in 1838, four years after this

event took place, Mr. Grote quoted, in the House of Commons, the opinion of Mr. Stuart, (a traveller) as conclusive evidence that American elections, under the Ballot, were orderly, peaceful, and well conducted! Therefore, the Author feels himself justified in saying that, if Mr. Grote had been as anxious to get a thorough, statesmanlike knowledge of facts, as he was to build up a political structure on mere visionary metaphysics, he would have taken pains to obtain that information which the Author is now enabled to offer to the public.

The same remarks will apply equally to Mr. C. Buller's eulogium on America, as 'a moral and enlightened people.' To know how far a nation is moral and enlightened, we should watch them in times of trial. Seasons of political excitement are times of trial; and afford, perhaps, the best possible tests. If then at those times one nation exhibits less self-control, and more passion, and commits acts of violence, more in number and greater in degree, than other nations under similar circumstances, they prove themselves to be less moral, and less enlightened than their neighbours, and are, therefore, unworthy to be looked to as examples.

Let the reader contrast the most violent outrages that have ever been committed at the most keenly contested election for Westminster or Liverpool, with the following account of a contested election at New York!

Account of the First Day of the Election.

(Taken word for word from the New York Commercial Advertiser, April 9, 1834.)

BLOODY AND DISGRACEFUL RIOTS.

In all those Wards where the intelligent friends of THE SUPREMACY OF THE LAWS were in the majority, and where they had force to command order, the public peace was preserved. In the first Ward the only violence committed was upon the person of a young gentleman, as he would call himself—*who attempted to impose a misspelt ticket* for Mr. Verplanck upon a resolute elector. Having established the fact beyond dispute, and ascertained that he had *a supply of such spurious ballots*, he found himself in the middle of the street, quicker than he could have got there by a more gentle process.

In the fourth Ward there was *some fighting*, though nothing of a very serious character. But in the sixth Ward the true spirit of Jacksonism was delineated in characters of BLOOD! Clarkson Crolius, Jun., a young gentleman of great respectability and spirit, was *assailed with bludgeons, and fell covered with wounds*. He was carried off under the apprehension that he was lifeless. His wounds however were washed and dressed, and he resumed his station in behalf of the Constitution before the Polls.

The healing and peaceful effects of the Ballot!

"The great object of the Ballot is to protect *honest* voters from Intimidation."—(Mr. Grote.)

The Jackson *rioters, headed by an Ex-Alderman*, now had possession of the ground, and our friends sent for reinforcements to preserve the peace. Comparative order prevailed for a time: but before night *a gang of nearly an hundred infuriated wretches, of the Jackson party, armed with bludgeons*, commenced their violence anew. They tore down all the Independent Republican

Proofs that the upper classes in America are so 'moral and enlightened' as to be models for English imitation!

flags, invaded the Committee Room, *robbed them of their Ballots*, and then commenced an assault upon the Independent Republican citizens, who were vainly exerting themselves to keep the peace. Some of the Jackson party were *armed with knives*, and *about twenty citizens were knocked down, bruised, and some of them shockingly cut and mangled.* Among the most severely injured was *a Mr. Pierson, who was knocked down, and when supposed to be dead, was held up in triumph to the exulting mob by the hair of the head!* Such is the brutality of the party with which the Whigs have to contend in the sixth Ward.

The noble acts of a free, 'moral and enlightened' people!

An election by Ballot, not un-English in its character!

☞ We feel constrained by a sense of duty, to condemn, in the most unequivocal terms, the conduct at the polls of Dennis M'Carthy, Esq., *the Alderman* of the sixth Ward. Though a magistrate, whose duty it was to assist in the preservation of the peace, we have the most positive and unquestionable information, that *he himself, with his own hands, attempted to rescue a rioter from the hands of the constable having him in charge.*

Further proofs that the Upper Classes in America are so 'moral and enlightened' as to be models for English Imitation!

POSTSCRIPT.

A gentleman, whose name we did not learn, had his *arm broken* this morning.

Healing effects of the Ballot!

SECOND POSTSCRIPT.

Half past one o'clock.—We have just heard that John Targee has been committed to Bridewell, and has since been bailed out. We also learn that *Mr. Pierson is dead.*

Tranquillising effects of the Ballot!

Account of the Second Day of the Election.

(New York Commercial Advertiser, April 10, 1834.)

RENEWAL OF THE RIOTS.

One o'clock, P. M.—A gentleman informs us that *he saw*

a man felled to the pavement by a fragment of a board—another rioter instantly dashed a barrel upon the fallen man—another sprang upon him with his feet: our informant was compelled to fly for his life, and he came forthwith to our office with the news. *He thinks that the man was killed.*

Moral, peaceful, and healing effects of the Ballot!

It was reported that *a man was instantly killed by a blow from a shillelah. The mob are tearing up paving stones. The mayor has been badly injured.*

Prophecy of the Westminster Reviewer fulfilled—Democratical Utopia!

At the moment of the rush of the rioters from the Polls, there was a cry among them of "CLUBS." Instantly, as if by consent, *large numbers of bludgeons* were handed out of contiguous *groceries*.

☞ But we must go to Press. *There is now said to be fighting at the Polls of the sixth Ward.*

Account of the Third Day of the Election.

(New York Commercial Advertiser, April 11, 1834.)

THE CLOSING SCENES.

Amidst such scenes of violence and consternation as have marked the election which closed last evening, it has been impossible to state facts in all instances with that degree of accuracy and precision which we could desire. Our object has been to give a history of the memorable "THREE DAYS," with the most scrupulous regard to truth, without colour or exaggeration. Nor have we indulged in the publication of rumours without investigating them, as far as circumstances would allow. And now that the scenes of riot and confusion have passed by, on a calm review of what has occurred, we are only surprised that our errors have not been more numerous and important than they were.

Elections in America are peaceful, orderly, and well conducted! (See Chancellor Kent's Commentaries.)

Our statements have, indeed, fallen far short of the truth, rather than gone beyond it. Among the incidents

"Under the Ballot no man can be intimi-

dated, because it cannot be known how he votes. He will never tell how he is going to vote, or has voted, *because it will be against his interest to do so!*" (Advocates of the Ballot, *passim.*)

not noted by us, was one in Cross Street, where a few dozen of the Mobocracy attacked some of the Whig party as they were going home from the Polls: the latter, however, showed no disposition to be maltreated with impunity, and the affair ended without any considerable injury to either party. The other occurred in the fourteenth Ward, where *a man was asked to what party he belonged, and answering for Verplanck, he was instantly set upon by half a dozen ruffians, and dragged into a spirit store, where they gave him a most tremendous beating, and wounded him in the face.*

It was a moment of *fearful anxiety and universal consternation* when our paper went to press yesterday. The transactions occurring subsequently we gather from the morning papers—chiefly from the Journal of Commerce. The riot commencing at twelve o'clock was thus occasioned.—The Sailors belonging to the Whig party went up Broadway with their ship the Constitution, and whilst passing Masonic Hall, gave three cheers. Stones were immediately thrown at the frigate by a number of Jackson men, who threatened to destroy it. This outrage led to some harsh expressions on both sides, and the news being communicated to the Committee at Masonic Hall, they rushed out, aided by some citizens, and drove the disturbers of the peace from the ground.

They had scarcely done so, when *several hundred fellows from the fourteenth Ward rushed up Duane-street, and attacked them most furiously.* The Committee at the Masonic Hall came to the assistance of their friends, but the disparity of numbers was so great that they were obliged to retreat into the Hall, pursued by a large number of the mob. Information being communicated to the Mayor and Police, the former

high functionary, accompanied by the Police officers, constables, and about 40 watchmen, proceeded to the scene of action. There they discovered *an exhibition of violence, which they had not been prepared to expect.* In endeavouring to suppress it, *numerous persons, nearly 50, were knocked down and beaten, some of them receiving severe and dangerous wounds.*

Instance of 'a community, through which owing to the Ballot, wisdom and virtue are universally diffused, and of which the different classes are knit together by the ties of mutual benefaction'! See West. Rev. 13, 36.

Captain Stewart, of the first watch district, was *badly cut on the left side of the head.* Captain Munson, of the same district, *shockingly injured—all his ribs broken, and his left arm fractured in two places—his scull horribly fractured and his face much cut.* Captain Seaman, of the second watch district, *cut in the head;* a watchman named Styles, *mortally wounded:* Colonel Fleet, assistant to Captain Munson, *severely hurt:* Captain Stagg, of the third watch district, *much hurt.* Messrs. Otterwell, Sinclair, Blunt, and ten or fifteen watchmen *wounded;* besides Messrs. Joseph L. Hays, Hartington, Dunshee, Police Officers, and Messrs. Walsh and Sowendyke, constables. The Officers succeeded however in arresting ten or twelve of the rioters, who were sent to Bridewell.

Explanation of what is meant by *the efficacy* of the Ballot in America.

The scene was a very painful one. Dozens lay bleeding on the ground at a time, and report soon spread that several had been killed, and that houses had been destroyed. In consequence of this intelligence being conveyed to the lower Wards, the inhabitants of that part of the city proceeded to the scene of action and its neighbourhood; and Duane, Elm, Pearl, Cross, Augustus, and Chetham streets, in the sixth Ward, as also Broadway, were filled with from 15 to 20,000 citizens, determined, if necessary, to prevent further aggression. *It was also obvious that a military force was indispensably necessary. Indeed the civil authorities should have procured military*

A clear proof that at American elections riots are usually expected.

assi tance at an earlier day. But the Mayor disliked to call in the aid of the troops while it seemed possible to avoid the necessity. *Able counsel were now consulted, and it was decided that the city was clearly in a state of insurrection.* The course to be pursued was no longer doubtful; a messenger was sent to the Navy Yard to solicit the presence of a body of the United States Marines for the preservation of the peace. On application to Colonel Gamble, the Commander, he said he would very readily furnish a detachment and head them himself, were it not that he had just sent them on board the ships Brandywine and Vincennes, in consequence of which they were no longer under his orders. Application was then made to Commodore Ridgely, commander of the station, who declined interfering, stating that whatever his personal feelings might be, he did not deem himself authorised to do so. A request was also sent to Governor's Island to the same effect. Meanwhile several hundred patriotic citizens, being apprehensive that the rioters would obtain possession of the Arsenal, and employ the arms against the peace of the city, and the safety of its inhabitants assumed the responsibility of *taking possession of the Arsenal, to prevent the arms being taken by the mob, and to protect them from destruction. The rioters immediately surrounded the Arsenal in large numbers;* but the Whigs kept possession until relieved by the Mayor and his posse.

The Ballot perfectly successful!

Having ordered out *a strong detachment of our city infantry,* under the orders of General Sandford, with *two squadrons of cavalry,* a counter request was dispatched to Governor's Island, so that no United States troops were eventually called in. *The military assembled with considerable alacrity;* there was "mounting in hot haste"—and much of the activity and bustle incident

The peacefulness of elections by Ballot!

to the unexpected approach of a foe in times of war. The orders were immediately from General Morton, *who detached* 1200 *men for the service;* and by three o'clock they were on duty at the Arsenal. But after these demonstrations the courage of the mob evidently began to ooze out, and order soon resumed her sway. There were to be sure many threats against the United States Bank, and several of the Anti-Jacobin Printing-offices: and some of our contemporaries *took the precaution to arm with great efficiency.*

'Under the Ballot the order and harmony of society will be perfect!' W. Rev. 13, 36.

The night passed away without interruption of the public peace. At the closing of the poll, the Ballot Boxes of the sixth Ward were removed to the City Hall, followed by 4 or 5000 people, where they were kept through the night. No attempt was made to seize them. *The Infantry were chiefly quartered at the Arsenal—reposing upon their arms; and the Cavalry at the City Hall. A small detachment was stationed in the Merchant's Exchange to be ready to act if the Bank or printing offices should be assailed.* But happily there have been no further disturbances. *The rioters amounted to some hundreds, most of them armed with clubs, and other weapons, which it would seem had been prepared for the purpose beforehand.* Whilst preparing this account, we know not what the result of the Election is; but apprehend that Laurence has been elected by a small majority. Indeed it would be an astonishing event if he is not. When we consider that the Whig party has been compelled to contend against an army of custom-house officers, say 500, and *their dependants* and connexions: an army of more than 1000 corporation dependants: and a large host of state officers—*all organized for action the whole year round:* when, moreover, we reflect upon the fact which is clearly and

'The Ballot will secure the Independence of the Voter'!

'Under the Ballot all canvassing & electioneering arts will cease'!

'The Ballot will make it the interest of the rich to raise the intellects and morals of the people to the highest pitch'! W. Rev. 13, 39.

'The practical consequences of the Ballot will be that only those men will vote who can do so free of expense, or are willing to defray their own expenses'! W. Rev. 13, 18.

indisputably established, that *the leaders of the Jackson party, aided by a ferocious and Jacobinical press, had been for weeks organizing*, the only matter of astonishment is, that we should have accomplished so much. In this point of view it may be said, that though the Election itself was lost, yet we have achieved a mighty victory—that we have ensured at the next contest the triumph of the free!

In the large majorities for Mr. Verplanck in the first four Wards may be read the sense of the merchants in regard to the United States' Bank. *That the choice has been determined by illegal votes there is no doubt. During the whole contest it was both melancholy and amusing to see the immense number of foreigners, who were driving up every moment to the Marine Court to get out certificates of Naturalization. Almost every five minutes an omnibus came up filled with them. Nine-tenths of them were of the very lowest class, and many not long enough in this country to wear out the clothes they brought on their backs. They went to the Court foreigners in every sense of the word, altogether ignorant of the institutions of this country, and of almost every thing else; but the moment they enter—hoc presto, they are instantly altogether changed; and in five minutes they come out intelligent American citizens, burning with love of country and patriotism, and are sent off to the Polls to support the Constitution, and break men's heads.* [159]

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[159] The Author has been informed by *an eye-witness* that no words can give any notion of the violence and tumult of this election. 'The effect of some hundred Irishmen knocking their sticks in concert on the pavement, before they made their onslaught, was the

☞ All those persons who were wounded in the riot of yesterday, and taken to the hospital, *have so far recovered as to be able to go to their own homes,* with the exception of Capt. Munson of the city watch, *who was severely wounded in the back of the head by the edge of an axe.* His situation is very critical, but the surgeon has hopes that he will survive the injury.

Healing effects of the Ballot!

Horrible Barbarity.

(New York Commercial Advertiser, April 9, 1837.)

We have just been informed that Mr. Lancaster Odell, one of the challengers of the Independent Republicans, *has been stabbed by a Jackson assassin!* He was in the performance of his duty, and on the point of challenging the vote of a Mr. Smith, whom he did not believe to be a legal voter; the latter threatened that if he did challenge the vote *he would be the death of him:* Mr. Odell replied, that it was his duty to do so; and the vote was accordingly challenged. *After the Poll was closed, as Mr. Odell was retiring, he was stabbed by Mr. Smith, and his abdomen ripped open so that his bowels gushed out!!* To what are we coming?

Twelve o'clock.—Mr. Odell is yet alive, but grievously injured.

"Under the Ballot wisdom and virtue will be universally diffused, and the different classes will be knit together by the ties of mutual benefaction"! West. Rev. 13, 36.

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most terrific sound he ever heard.' He added—'I positively saw several men dragged up to vote in knee breeches. Now you never see an American in knee breeches.' (!) It turned out on inquiry that these men in knee breeches had been taken out of ships newly arrived from Europe, hurried off to the scene of action without any attempt to disguise their European outside, naturalized on their way up the street, and changed forthwith into independent American Electors!

Official Compassion.

(From the same.)

Mr. Eley, a merchant in Maiden-lane, *was severely wounded yesterday* in the sixth ward. In making his escape he was pursued by *a gang of ruffians, and was compelled to rush into a house to save his life.* It proved to be the residence of Mr. ———, a Custom-house officer. He complained that *it was very rude for a stranger to come into his house without an invitation!*

"The Ballot will give men of property sufficient motives to take the utmost pains with their intellect and morals!" (W. Rev. 13, 36.

Long Islanders.

(From the same.)

Challengers look out! *Floods of Jackson men* were yesterday imported from Long Island, *who boasted of their voting on their return!*

False Tickets of Naturalization.

(From the same.)

"Messrs. Editors,

As it is an undoubted fact that *a certificate of naturalization belonging to one person has been made to pass from hand to hand for the purposes of voting* on the Jackson ticket, would it not be adviseable for the Committees of Vigilance to publish a reward for the conviction of such proceedings: and would it not also be adviseable to offer a reward to any one who should fully convict another of voting more than once at every election? The law, I believe, specifies imprisonment and a fine of £250. for voting unlawfully, therefore a larger reward than that might be offered with safety.

As the Jackson cause is in a desperate state, there is but little doubt they will resort *to desperate and unfair means.*"

L.

Look Well to your Ballots.

(From the same.)

An immense number of spurious tickets are afloat in all parts of the city. The name of Mr. Verplanck is

spelt variously,—as Julian G. Verplanck, and Julian C. Verplanck. Remember that it should be JULIAN C. VERPLANCK. All others are spurious.

☞ *Beware of counterfeits!*

SHORT MEMORIES.

(From the Same.)

A terrible outcry is raised because in these hard times, some persons *have been dismissed from employment. Have not Mr. Martin Van Buren, and the Regency, been dismissing labourers in the public service constantly for more than fifteen years past? Has not General Jackson done the same—and that too with a most unsparing hand—and for no other cause than opinions sake?*

'The Ballot will secure the independence of the Voter'!

But these proscriptions it is very convenient to forget.

MR. CLAY'S OPINION OF THE INTERFERENCE OF GOVERNMENT WITH THE ELECTORS IN AMERICA.

(New York Commercial Advertiser, April 11, 1834; Extract of a Letter from a Gentleman to that Paper.)

"Mr. Clay's opinion is, what the opinion of every man of intelligence not blinded by party prejudice must be, that *it rests with the people whether they will have monarchy or their own hitherto free institutions.* The people do not want monarchy, but still *there is danger that they may have it.* INDEED, THEY HAVE IT NOW IN ITS WORST FORM; *because, with a show of a house of Representatives, a majority of that house is the mere creature of the Executive Will.* And there is danger that this state of things will continue, through the efforts made, and to be made, to deceive the people into the belief that General Jackson is their best friend; that he stands between them, and an aristocracy that seeks to trample them in the dust."

"Absolute Democracy is Tyranny." Aristot. Pol. 5, 10.

In the debate of 1835 Lord Stanley gave an account of American elections, exactly according with the above. But many doubted, and some denied its correctness! Nor is this strange. For—"it is always easier to deny than to inquire. To refuse credit confers for a moment an appearance of superiority, which every little mind is tempted to assume when it may be gained so cheaply, as by withdrawing attention from evidence, and declining the fatigue of comparing probabilities."*

B.

Dr. Bowring tells us *from his own knowledge* that the Ballot is efficient in French Parliamentary Elections, let the reader test the accuracy of the doctor's knowledge by the following extract from the *Times*, Jan. 12, 1838:—

"M. Sivry opened the debate by charging the Ministers with illegal practices.

"M. Cheganay, Attorney-General for the Tribunal of Rennes, denied that, as charged by M. Sivry, a man imprisoned under sentence for manslaughter had been promised his pardon if he would vote for M. Hello, the Ministerial Candidate: but he did not deny that, as stated by M. Sivry, the man in question had, on the day of the election for Ploermel, actually been taken from his prison to the municipality, *where he voted for M. Hello.*

"M. Sivry resumed, and proceeded to contend, from the language of the Prefect, which he stated in detail, *that the Government had directly interfered in the election of Ploermel by threats, menaces, bribes, and promises of places, and grants for public works.*

* Rambler, No. 87.

"* * * M. Maugnin charged the Prefects of the departments of La Correze and La Lozere *with improperly interfering in the elections.* M. Larabit made similar charges in respect of the authorities of the latter and other departments.

"M. de St. Albin and M. Larabit severally charged Ministers with illegal practices during the last elections. . . . M. Roger begged to be allowed to mention a fact, *proving that public functionaries had been dismissed on account of their political opinions.* A respectable physician, personally known to him, had been superseded in the direction of an hospital in the department of Loiret, *because he had voted against the Ministerial Candidate.* * * * M. O. Barrot approved of M. de St. Albin's amendment, and read a paragraph of the electoral law to prove that the Cabinet had no right to interfere, directly or indirectly, with the elections.

"M. de Montalivet adduced in refutation of the doctrine of M. O. Barrot the conduct followed by the President of the United States, who dismissed from office all the functionaries who did not use their exertions to procure the return of Government Candidates. * * * The Government he said, could not remain indifferent to the contest *when electoral committees were formed over the whole territory, who circulated all sorts of calumny against the Ministerial Candidates.* His interference in the last elections had, he again declared, been perfectly honourable and legitimate.

"M. de Motalivet, after noticing some particulars in M. Dupont's conduct, said he did not blame it; he merely wished to prove he (M. Dupont) had been likewise of opinion *that Ministers had a right to influence elections.*"

So much for the efficiency of the Ballot in France!

But even if secrecy were ensured in France, there

are two circumstances which render it quite inapplicable as an argument in favour of the Ballot in England. 1st. The Electors in France are a very much higher class of persons than those in England. The Electoral qualification there is the annual payment of 300 francs, a sum equivalent at least to £12, in direct taxation; while the English voter is qualified by a mere promise to pay £10. a year in rent. Hence it is, that as the class of voters there is much superior, so their number is much smaller than it is here. In France, the proportion of the Electors to the population is 1 in 182, in England it is 1 in 24.

2ndly. The Ballot was instituted in France with the sole view of protecting the voter from the power of the Crown. Unless then it can be shewn that the French Monarch is endowed with the ubiquity and activity of the Landlords and Employers, and Customers in England, the security of the Electors there would be no proof that they would be secured here by the adoption of a like system. Under these circumstances we may well wonder, not that Mr. Grote should have withdrawn his argument, but that he should ever have advanced it.—See Mr. Barlow Hoy's Speech in the Debate of June 2, 1835, and Goldsmith's Statistics of France, p. 16.

C.

Un-English. After the rough treatment this word has received from Lord Nugent and other critics, of whom it is enough to say, that they are no better or worse than his Lordship, it may seem fool-hardiness in the author to venture upon using it again. But he has done so, chiefly from the consideration that his Lordship is even less happy in his illustrations than he is in his analogies.

His Lordship says,—'If the Ballot is un-English, then the Reformation must be un-English; because it was the setting of a German and Genevan graft of Religious freedom upon the ancient stock of English Popery.' It is strange that his Lordship should not have known that the Reformation was entirely of English origin. Germany and Geneva procured those seeds of freedom from England, which were sown there again in after time, when the soil was better fitted for their growth. 'The writings of Wiclif, carried to Bohemia after the death of the Queen of Richard II. (who was sister of Wenceslaus, king of Bohemia, and died A. D. 1394,) by some of her attendants, who then returned to their own country, marked out the way for John Huss and Jerome of Prague, who about fifteen years afterwards opposed the usurpations of the Romish Church.' (See Miller's Phil. of Hist. ii. 301.) Moreover, the English and German Reformations were as unlike as it was possible for them to be. Germany might have again suggested to England the idea of Reformation in the abstract; but it most assuredly did not furnish the working plan of the thing itself. (Conf. Warburton's Alliance, p. 51, 52, and Milton's Doctrine and Discipline of Divorce, I. 339, 'who but Alcuin and Wiclif, our countrymen, opened the eyes of Europe, the one in arts, the other in religion?') His Lordship next instances the Revolution—because 'it was a disturbing with Dutch and German safeguards for civil freedom, the ancient system and succession of English tyranny!' This perspicuous illustration is even less fortunate than the last. It would be as correct to call the masts of our vessels un-English, because they happen to be made of Canadian timber. His Lordship then says—things may be English and yet bad; and instances the Slave Trade, and the Penal Code! Might he not as well have said—Bull-

baiting, and Prize-fighting? for the former, if it can be termed the characteristic of any nation, belongs rather to Spain than England; the latter is peculiar to England, but not characteristic. Such illustrations give no light, but rather darkness visible.

D.

The increased demand for the Ballot. Amid this wailing of oppressed electors, a correct ear may perhaps detect notes that sound more like the forced sobs of hired mourners than the unfeigned tones of real woe. The following statement will illustrate this remark. In the Times, Dec. 1837, it is reported that, "Mr. Grote presented a petition from the inhabitants of Freshingfield and other villages in the eastern division of the County of Suffolk, praying for the adoption of vote by Ballot, in consequence of the bribery, corruption, and intimidation practised upon the electors at the late general election. The petition was signed by 506 names. There was a circumstance, however, connected with the signatures which he deemed it fitting he should mention to the House, as he did not know whether it might not operate as an objection to the reception of the petition. The petitioners were the inhabitants of several rural villages, and *many of them, though in a respectable station of life, were unable to write their own names.* Those persons who had taken the petition round had signed the names of several petitioners, *but not until they had read the petition slowly over to them, and had ascertained that they could not write, but could only make their mark*, which the petitioners had afterwards made in their presence. He wanted to know from the Speaker whether a petition thus signed, and with this want of technical formality could be received by the House."

Under what class of Advocates for the Ballot are we to range these *marksmen*—Historians, Metaphysicians, or Statesmen?

E.

Authorities against the Ballot. The opinion of *Plato* has been already seen, p. 110. *Alcibiades*, when asked whether he would not trust his country, replied, "Yes, for any thing else, but in a trial for life, not my mother; lest by mistake she put a black ball for a white one." (Plutarch in Vita Alc.) See the opinion of *Cicero* above given, note 3. *Pliny*, in a letter written soon after the revival of the Ballot at Rome, having mentioned the evils that had arisen from open voting, goes on to say—"ad tacita suffragia, quasi ad remedium, decurrerunt. Quod interim planè remedium fuit: erat enim novum et subitum. Sed vereor ne procedente tempore ex ipso remedio vitia nascantur. Est enim periculum ne tacitis suffragiis impudentia irrepat. Nam quoto cuique eadem honestatis cura secreto, quæ palam? Multi famam, conscientiam pauci verentur." (Lib. 3. epist. 20.) The fears he has here expressed, proved too true. In a subsequent letter we find the powerful sketch (for which we are indebted to the speech of Sir Robert Peel, February 15, 1838,) of a man voting by the Ballot. "Poposcit tabellas, stylum accepit, demisit caput, neminem veretur, se contemnit." (Lib. 4. epist. 25.) "The Ballot," says *Mitford*, "without preventing corruption, admits mistake, excludes responsibility and hides shame." (Hist. of Greece, iii. 459.) (The Republican) *Milton's* account of a crowd of men voting by Ballot is characteristic and interesting:—"And this annual rotation of a Senate to consist of three hundred as is lately propounded, requires also another popular

assembly upward of a thousand with an answerable rotation. Which besides that it will be liable to all those inconveniences found in the foresaid remedies, cannot but be troublesome and chargeable, both in their motion and their session, to the whole land; unwieldy with their own bulk, unable in so great a number to mature their consultations as they ought, if any be allotted them, and that they meet not from so many parts denote to sit a whole year lieger in one place, only now and then to hold up a forest of fingers, *or to convey each man his bean or ballot into the box, without reason shewn, or common deliberation: incontinent of secrets if any be imparted to them*, emulous and always jarring with the other senate." (The ready and easy way to establish a free commonwealth. Prose Works, iii. p. 416.) *Montesquieu* says—"The people's suffrages ought doubtless to be public, and this should be considered as a fundamental law of democracy. The lower class ought to be directed by those of higher rank, and restrained within bounds by the gravity of eminent personages. Hence by rendering the suffrages secret in the Roman Republic, all was lost, it was no longer possible to direct a populace that sought its own destruction." (Esprit des Lois, ii. cap. 2.) The following is *Gibbon's* view of the effects of the Ballot, "The Tribunes soon established a more specious and popular maxim, that every citizen has an equal right to enact the laws which he is bound to obey. Instead of the centuries they convened the tribes; and the patricians after an ineffectual struggle submitted to the decrees of an assembly in which their votes were confounded with those of the meanest plebeians. Yet as long as the tribes successively passed over narrow bridges and gave their voices aloud, the conduct of each citizen was exposed to the eyes and ears of his friends and countrymen. The insolvent debtor consulted the wishes of his creditor, the client

would have blushed to oppose the views of his patron, the general was followed by his veterans, and the aspect of a grave magistrate was a living lesson to the multitude. A new method of secret Ballot abolished the influence of fear and shame, of honour and interest, and the abuse of freedom accelerated the progress of anarchy and despotism. The Romans had aspired to be equal, they were levelled by the equality of servitude, and the dictates of Augustus were patiently ratified by the formal consent of the tribes or centuries." (Decline and Fall, single vol. edit. p 718-19.) *Ferguson's* account of the matter is substantially the same:—"With these establishments, calculated to secure the functions of office, the use of the Ballot was introduced first in elections, and afterwards in collecting opinions of Judges in the Courts of Justice, a dangerous form of proceeding in constitutions tending to popular license, and where Justice is more likely to suffer from the unawed passions of the lower people, than from any improper influence of superior rank, and where the authority of the wise and the sense of public shame were so much required as principal supports of Government." (Hist. of Rome, p. 81.) *Mr. Burke's* opinion is quoted in the title page of this pamphlet. *Mr. Brougham's* may be seen in Appendix G. *Lord Brougham's* in note 61.

F

It has been said in the text (p. 109) that Mr. Bulwer might have quoted Aristotle in favour of the Ballot under the mistaken impression that the κλῆρος or *Lot* so frequent in Athenian Elections was the same thing with the *Ballot*, or secret vote, ψῆφος (ψηφίζεσθαι.) It remains to give proofs of that assertion.

Now when Mr. Bulwer makes an historical statement

in connexion with Greek authorities, we naturally expect to find some clue to such statement in his work, entitled "Athens—its Rise and Fall." And this clue may there be found. In vol. 1. p. 407, Mr. Bulwer writes, "Probably about the same period [the legislation of Clisthenes] the mode of election to public offices generally was altered from the *public vote* to *secret lot*." Again, vol. 2. p. 330, it is said that "*as we have already seen*, it was in all probability Clisthenes who weakened the more illicit and oppressive influences of wealth by establishing *the ballot or secret suffrage*, instead of *open voting*." The second of these places makes reference to the first; both are evidently intended to contain a statement of the same fact; the *open voting* of the latter is plainly equivalent to the *public vote* of the former, and in like manner the *secret suffrage* of the second must be the same with the *secret lot* of the first. That is, Mr. Bulwer has in his History of Athens confounded *Lot* with *Ballot*, κλῆρος with ψῆφος!

Further, it may well be asked what Mr Bulwer means by "*secret lot*" in the first of the places quoted. How can a *lot* be more or less *secret?* This strange and anomalous expression is plainly due to the *parliamentary* confusion alluded to in the text, whereby Mr. Bulwer took *lot* to be the same with *ballot*, and gave it an epithet which fits very well with *ballot*, but can have no sense at all when applied to *lot*. If the author had not been able to prove his point by comparing the two places above quoted, this single expression would have amply served his purpose.

Therefore, it seems more than probable that when Mr. Bulwer quoted Aristotle in favour of the Ballot, he misunderstood his Author. The fact is (as has been stated in p. 61 of the text), the Greeks were not acquainted with the use of the Ballot as a *political* engine. And it would

indeed be strange if one so cautious as Aristotle had deliberately stated the Ballot to be necessary to liberty, when in fact it *never was used to secure or maintain political liberty* in any state of Greece that we know of. So then, before we can take Mr. Bulwer's mere word, we must have a reference to the place of Aristotle which he meant. Those of his admirers who think it impossible that he *should have* misrepresented Aristotle, will be startled to find that he has palpably misrepresented Cicero. If they doubt it, let them turn to note 3. And at all events, whether Mr. Bulwer can escape from the charge of misrepresenting Aristotle or no, there is another charge connected therewith from which he *cannot* escape. The second passage above quoted clearly proves, that the HISTORIAN OF ATHENS was ignorant (or disguised his knowledge) that *at Athens all magistrates were elected by open vote or by lot, and none at all by Ballot!* [160]

G.

In the Debate on Mr. O'Connell's motion for Parliamentary Reform by Universal Suffrage, May 28, 1830. Mr. Brougham attacked the Ballot with arguments, which Lord Brougham seems unable to answer. No one

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[160] "The Author ventures to recommend the following passage from Aristotle to the attentive perusal of Mr. Grote and Mr. Bulwer *δεῖ δὲ μηδὲ τοῦτο αὐτὸ ἀγνοεῖν, ὅτι χρὴ προσέχειν τῷ πολλῷ χρόνῳ καὶ τοῖς πολλοῖς ἔτεσιν, ἐν οἷς οὐκ ἂν ἔλαθεν εἰ ταῦτα καλῶς εἶχεν· πάντα γὰρ σχεδὸν εὕρηται μέν, ἀλλὰ τὰ μὲν οὐ συνῆκται, τοῖς δ' οὐ χρῶνται γινώσκοντες. μάλιστα δ' ἂν γένοιτο φανερόν, εἰ τις τοῖς ἔργοις ἴδοι τὴν τὴν τοιαύτην πολιτείαν κατασκευαζομένην.* *Polit.* 2. 5, 5.

will complain of the following long extract from his speech.*

"He felt persuaded that Election by Ballot would not give the neccssary security for the concealment of the vote, unless by incurring much greater evils than those which this measure professed to remedy. So long as a seat in Parliament was an object of general ambition, candidates and their partisans would be active in canvassing the country in all quarters and directions. Agents would traverse the country from one end to the other, would see the voters day after day, and eventually live among them. He spoke now on the supposition of there being a contest, and of landlords and tenants being enlisted in it. The Agents of the respective Candidates would importune each individual voter, till at last some one of them thought he had made sure of him. In all probability his landlord, on applying to him, would obtain a promise from him in these convincing terms: "I'll vote for you, and for you alone; you are my landlord, my benefactor; I fairly and honestly tell you, that no power on earth shall ever make me vote against you;" still meaning, according to those who defended the Ballot, all the while to vote for his landlord's opponent. It would seem, however, that this evil was to be remedied by the Ballot. Well, the House would suppose this system adopted, and all due precautions for secrecy being observed, the voter walking to the poll, and presenting himself at a sort of sentry box made for the purpose. So far as mechanical arrangement would go, there was little difficulty in devising means to keep the matter secret; but various other points were to be taken into consideration. It was to be presumed that the balloting instru-

* See Hansard's Parliamentary Debates.

ment would be a sort of small pellet, with a certain stamp upon it, the forgery of which would be a grave offence. The voter might very easily put this pellet into the box, without the result of his vote being known at the time; but afterwards came the bustle and the mob, and the consequent scenes attendant upon them; after having voted for the opposite Candidate, he would, in all likelihood go on to congratulate his landlord on having won the day. Thus far for his ingenuousness. In all cases where there was a contest there would of course be conversation respecting it—the individuals who had voted would talk on the subject in their private walks, at Church, after Church, and above all at the ale-house. Who then could tell him that such a person as he now described could be so much on his guard, as not to excite the slightest suspicion as to the manner in which he had given his vote? To observe such profound secrecy he must say nothing whatever to his wife; nothing whatever to his children; nothing to his dearest friend; nothing to his pot companion; no, he must be as dumb as the tankard which they had just emptied between them. That was the situation in which election by Ballot was to place this working and independent freeholder for three long years, till the next opportunity presented itself for him to exhibit his rare qualities. After the election was over, the landlord of course would look to his books, in his eagerness to ascertain how they stood: Seeing that he had perhaps only 50 votes after the 500 solemn promises he had received on consulting the book, and finding how the numbers stood, he might probably be told that the votes were wrong. This however could not be, for they were all given by means of an unforgeable pellet. Every agent, on being applied to, would at once say, in order to vindicate himself, "I am quite sure they can't be any of my

five votes, for I went to so and so—to Mr. this, and Mr. that—to Sir Robert this and Sir Robert that; and all the Misters and all the Sir Roberts gave me positive promises." This unexpected result would naturally set all the people on the watch to discover how the individual in question voted. If he should be bold enough to say to his landlord, "I voted against you," then he lost his farm; if he should be asked by him how he voted, and should answer, "I won't tell you"—then also he must lose his farm. If he should say, "I voted for you," and his landlord should reply, "How can that be, from the state of the books?" all his asseverations as proof of the fact would be useless, both parties would separate with much suspicion on one side and no good feeling on the other. Election by Ballot would give rise to a continual system of vexatious watching, and annoyance—(hear, hear, from Mr. O'Connell). His honourable and learned friend seemed to doubt that it would have that effect, but he (Mr. Brougham), must now suppose that there would be bad landlords, crafty agents, and hard-hearted stewards; or if such characters did not exist, why have recourse to the Ballot at all? Well, on the first discovery which took place, one landlord would make an example of one or two of his tenants, and the consequence would be, that the remainder would abstain altogether from the Ballot, and not vote on either side. (*Lord Milton:* the landlord may turn them out for not voting at all.) *Mr. Brougham* proceeded—What his noble friend said was very true; but all that he wanted particularly to urge was, that the secret was sure to be betrayed, and must at some time or other come to the ears of the landlord. All these facts showed very clearly, how groundless was the expectation that election by ballot would accomplish the purpose in view. But there he might be permitted to ask with much

deference to his honourable and learned friend, and those who agreed with him on the subject, whether, though it must fail in this respect, it might not, at the same time, fully accomplish one of the blacke-t and foulest purposes of any that could debase and destroy the character of man? Whether it would not make a hypocrite of a man throughout the whole period of his existence? Whether it would not as was forcibly described by an eminent writer, make him exist as a person whose

"whole life was one continued lie"?

Such a person must be perpetually on the watch against his warmest friends and closest connexions; always tremblingly afraid to keep a secret, the discovery of which would be equally fatal to his interests and character. This was nothing more or less than to lead a life of deception and fraud to the last moment of human existence. The character of an individual thus circumstanced was true only in its hypocrisy. The man who could for months conceal the manner in which he had voted—who could hold his tongue on that subject which was the universal topic of conversation—who could keep his secret from his friend and his wife, who would never mention it even at the ale-house, would be false to his country and his friend, and could neither be true nor faithful in any of the relations of life; nor would men believe him true unless human thought were subverted. The result would be, either that the Ballot would be altogether ineffectual, or it would be a little effectual—for it could never be very effectual —and that little efficacy would be purchased by the fearful sacrifices which he had endeavoured to depict.

THE END.

NORMAN AND SKEEN, PRINTERS, MAIDEN LANE, COVENT GARDEN.

Samuel Stephens
1 Smith. 46, 73, 74 - 77. 91, 2.